



RATIONS TO EMIGRATING INDIANS.

JULY 5, 1832.

Read, and laid upon the table.

Mr. DRAYTON, from the Select Committee to which the subject had been referred, made the following

REPORT:

*The Select Committee appointed by a resolution of the House of Representatives "to inquire whether an attempt was made by the late Secretary of War, John H. Eaton, fraudulently to give to Samuel Houston, or any other person or persons concerned with Samuel Houston, a contract for supplying rations to such Indians as might emigrate to their lands west of Arkansas and Missouri; and whether said Houston made a fraudulent attempt to obtain said contract; and that the said committee be further instructed to inquire whether the President of the United States had any knowledge of such attempted fraud, and whether he disapproved or approved of the same; and that the committee have power to send for persons and papers;" report:*

That, in pursuance of the duties devolved upon them, they have examined various papers and documents, and a number of witnesses, in relation to the subjects contained in the resolution; and that, after bestowing upon the same their deliberate attention, they are of opinion that the foregoing written and verbal evidence furnishes no proof either that John H. Eaton, late Secretary of War, ever attempted, "fraudulently, to give to Samuel Houston, or any other person or persons concerned with Samuel Houston, a contract for supplying rations to such Indians as might emigrate to their lands west of Arkansas and Missouri," or that Samuel Houston ever "made a fraudulent attempt to obtain said contract." The committee, therefore, recommend the adoption of the following resolutions:

*Resolved*, That John H. Eaton, the late Secretary of War, and Samuel Houston, do stand entirely acquitted, in the judgment of this House, from all imputation of fraud, either committed or attempted to be committed, by them, or either of them, in any matter relating to or connected with the premises.

*Resolved*, That all the evidence which was submitted to the committee, together with the journal of their proceedings, be annexed to and recorded with this report.

*The opinion of Mr. William Stanbery and Mr. I. C. Bates.*

The undersigned, dissenting from the opinion of the majority, as expressed in the foregoing resolution of that majority, ask leave to state:

That it was their intention to have submitted the facts disclosed by the evidence to the judgment and decision of the House, without attempting to influence that judgment and decision by an opinion of their own, and as a course wholly unexceptionable, and best calculated to do justice to all concerned. But, having been overruled in this, contrary to expectation, by a majority of the committee, they feel themselves called upon, however reluctantly, to state their opinion of the effect of the evidence which was before them; which opinion is:

That Samuel Houston did attempt, wrongfully, to obtain the contract, referred to in the resolution of the House, for the supply of rations to the emigrating Indians. That the late Secretary of War did attempt, wrongfully, to give said contract to said Samuel Houston, and that this was known to the President. As an official transaction, they view it as extraordinary and unjustifiable throughout.

The course of inquiry, as well as the evidence, will appear from the journal of the committee herewith submitted; to which the undersigned, at this late period of the session, have only time to refer in support of the opinion which they have thus summarily expressed.

WILLIAM STANBERY.

I. C. BATES.

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*Opinion of Mr. J. L. Kerr.*

The undersigned, as a member of the select committee appointed to inquire "whether an attempt was made by the late Secretary of War, John H. Eaton, fraudulently to give to Samuel Houston, or to any other person or persons concerned with Samuel Houston, a contract for supplying rations to such Indians as might emigrate to their lands west of Arkansas and Missouri; and whether said Houston made a fraudulent attempt to obtain said contract; and that the said committee be further instructed to inquire whether the President of the United States had any knowledge of such attempted fraud; and whether he disapproved or approved of the same;" being unable, upon a due consideration of the whole evidence in the case, to concur in the report of the majority of the committee, which presents an absolute and entire exculpation of all the parties named; but having not been afforded an opportunity of either preparing a full view of that evidence, or any argument upon it, begs leave thus briefly to offer his opinion, in order that it may accompany the evidence and report of the majority.

The strong terms in which the resolution presents the subject of inquiry, are well understood by the House as those specially employed by the mover as expressive of his own existing view of the facts; and the majority of the committee have given a literal negative to the allegations implied by the terms as to every person concerned.

It is a question of the *intention* of persons in high official stations, in respect to acts contemplated—not done; and, therefore, the inference of such imputed designs, or of the degree of impropriety in their official conduct, can only be drawn from facts and circumstances.

What should be deemed "fraudulent" conduct in men invested with the power to confer public offices and contracts upon individuals coming in competition for them, admits, perhaps, of some difference of opinion; and how far it is politically just, in such cases, to prefer favorites and friends, is a topic of frequent controversy amongst political partisans; but, in any case, to prefer a favorite or a friend to the obvious or to the slightest detriment of the public, certainly cannot be justified by any mode of reasoning. Either to obtain or to give an office or a contract, by any means of artifice or deception, is highly censurable in the public functionary who either participates in the use of such means, or connives at them. Being called upon, in this case, by a vote of the majority of the committee, either to agree or disagree to the report determined on by them, I have felt myself compelled to dissent from its absolute and general terms, and to express some other opinion.

As no argumentative report has been prepared or offered by the chairman or any other member, the undersigned takes leave to declare his mere opinion that the evidence reported to the House establishes the fact that strong endeavors were used by Samuel Houston to obtain from the late Secretary of War the contract for supplying rations, mentioned in the resolution of the House; and that he was concerned with other persons, at divers times, in attempts to obtain such a contract upon terms disadvantageous to the Government.

How far these endeavors were exerted by seeking any undue advantages, will be for the opinion of every member, to be formed from the facts and circumstances presented by the testimony; though, as Samuel Houston is still a private individual, not having obtained the contract, he can be no further affected by the decision.

That the late Secretary of War, John H. Eaton, did manifest a strong and partial desire to prefer Samuel Houston in his application for the important contract proposed, is, in the opinion of the undersigned, clearly made out by the whole train of facts and circumstances, as is the inference that he was prevented from completing a contract, at a price far above that which the state of things warranted, by the remonstrance and interference of others, by the glaring difference in the lower terms offered and pressed upon the department, and, it is but just and charitable to add, by a final conviction of error in calculations assumed.

The President certainly knew of the proposals of Samuel Houston, and at one time approved of his having the contract on the highest terms proposed by him; but the undersigned will not undertake to impute to him a *consciousness* of the existence of "fraudulent" practices, and an approbation of them. The evidence does not conclusively show that the President was, from time to time, acquainted with the gradation of bids and estimates; and, on one occasion, he expressly said, that the lowest bidder must have the contract; and, finally, he resolved on repudiating the plan of contracts altogether, except through the Commissary General's Department.

For the support of these views, the undersigned refers to the evidence reported.

JOHN LEEDS KERR,

HOUSE OF REPRESENTATIVES, *July 5, 1832.*



*Journal of the proceedings of the Select Committee appointed by the House of Representatives, May 14, 1832, under the following resolution:*

*“Resolved,* That a select committee be appointed to inquire whether an attempt was made by the late Secretary of War, John H. Eaton, fraudulently to give to Samuel Houston, or to any other person or persons concerned with Samuel Houston, a contract for supplying rations to such Indians as might emigrate to their lands west of Arkansas and Missouri; and whether the said Houston made a fraudulent attempt to obtain said contract; and that the said committee be further instructed to inquire whether the President of the United States had any knowledge of such attempted fraud, and whether he disapproved or approved of the same; and that said committee have power to send for persons and papers.”

*Ordered,* That Mr. Stanbery, Mr. Drayton, Mr. Everett, of Massachusetts, Mr. Wayne, Mr. Muhlenberg, Mr. White, of Louisiana, and Mr. Hubbard, be the said committee.

Attest:

M. ST. CLAIR CLARKE,  
*Clerk House of Representatives.*

THURSDAY, May 17, 1832.

*Ordered,* That Mr. Everett and Mr. White be excused from serving on the committee within named, and that Mr. Bates, of Massachusetts, and Mr. Kerr, of Maryland, be appointed of the said committee, in their stead.

Attest:

M. ST. CLAIR CLARKE,  
Per S. BURCH.

FRIDAY, May 18, 1832.

The committee met. Present: Mr. Stanbery, Mr. Drayton, Mr. Muhlenberg, Mr. Wayne, Mr. Hubbard.

*Moved,* That the chairman, Mr. Stanbery, be required to cause subpoenas to be issued and served upon Thomas L. McKenney, General John Van Fossen, Luther Blake, and General Robert Desha, requiring them to appear before the committee forthwith.

*Ordered, also,* That the chairman cause a copy of the resolution of the House of Representatives appointing this committee, to be served upon General Samuel Houston and Major John H. Eaton, and that he also notify them of the time and place of the next meeting of this committee.

The committee adjourned.

FRIDAY, May 25, 1832.

The committee met. Present: Mr. Stanbery, Mr. Drayton, Mr. Bates, Mr. Muhlenberg, Mr. Hubbard.

*Moved by Mr. Bates,*

That the chairman of the committee call upon the Secretary of War for copies of the various bids for the supply of Indian rations in 1830; the order in which they were made, and by whom made. Also, copies of all the correspondence or notes upon the subject, with a copy of the advertisement for the supplying of said rations, and copies of all other papers relating to the subject-matter of the inquiry before this committee; also, of the decision and doings of the late Secretary of War thereon.

Moved further by Mr. Muhlenberg,

That the chairman call on the Commissary General for copies of all such papers as may be in his possession, bearing upon said subject-matter of inquiry.

Letters were accordingly transmitted to the Secretary of War and to the Commissary General, enclosing copies of the resolution of the House of Representatives, and of the vote of this committee upon the motions of Messrs. Bates and Muhlenberg.

The committee adjourned to meet again on Monday next, at 10 o'clock A. M.

*Copy of a letter from the Secretary of War to the Chairman, enclosing certain papers, in accordance with the request of the Chairman in his communication of the 25th instant.*

DEPARTMENT OF WAR, May 26, 1832.

SIR: In answer to your letter of yesterday, requesting "copies of the various bids for the supply of Indian rations in 1830, the order in which they were made; also, copies of all the correspondence or rules upon that subject, with a copy of the advertisement for the supply of said rations: and copies of all other papers relating to the subject-matter of the inquiry before this committee; also, of the decision and doings of the late Secretary of War thereon," I have the honor to transmit, herewith, copies of all the documents that can be found upon the subject, after a careful examination of the records and files of the department.

I have the honor to be,

Very respectfully,

Your obedient servant,

LEWIS CASS.

HON. WILLIAM STANBURY,

*Chairman of the Committee*

*of the House of Representatives.*

*Proposals for supplying emigrant Indians with rations, west of the Mississippi.*

Sealed proposals, and to be endorsed "proposals for rations," will be received by the Secretary of War until the 20th day of March, 1830, for the supplying rations to such Indians as may emigrate to their lands west of Arkansas and Missouri: said rations to consist of one pound and a quarter of fresh beef, or one pound of fresh pork, with two quarts of salt to every hundred of these; or, if salted meat is issued, one pound of beef, and three-quarters of a pound of pork, with a quart of corn or corn meal to each ration of meat, whether fresh or salt, or eighteen ounces of flour.

The right to be reserved to the Secretary of War to enlarge or alter the quantity of the ration to be issued: and the right of continuing the contract to any period of time he may think proper, and to determine it at pleasure, when any of the conditions shall be broken.

The points of delivery not to exceed three, in the country of either of the tribes to be designated by the Secretary of War.

The entire expense, whether of transportation, or issuing, or of building houses for the preservation of the supplies, or any other, to be borne by the contractor.

Bonds, with approved security, will be required for the faithful fulfilment of the contract.

No advances will be made.

By order of the Secretary of War:

THOMAS L. McKENNEY.

DEPARTMENT OF WAR,

*Office Indian Affairs, 18th February, 1830.*

Richmond Enquirer, Baltimore Republican, Philadelphia Gazette, Cincinnati Republican, National Intelligencer, Ohio State Bulletin, Louisville Advertiser, three times a week, until the 15th of March.

WASHINGTON CITY, *February 22, 1830.*

SIR: In conformity with your advertisement in the United States Telegraph, under date of the 18th of the present month, I propose to supply the rations as therein called for, for the Creek, Cherokee, and Choctaw emigrants, at ten cents the ration, agreeable to the stipulations contained in said advertisement.

THOMAS CROWELL.

Hon. JOHN H. EATON, *Secretary of War.*

GEORGETOWN, (KY.) *March 8, 1830.*

SIR: I propose to furnish Indians who may emigrate to their lands west of Arkansas and Missouri, with rations, to consist of one pound and a quarter of fresh beef, or one pound of fresh pork, with two quarts of salt to every hundred of these; or, if salted meat is issued, one pound of beef, or three quarters of a pound of pork, with a quart of corn or corn meal to each ration of meat, whether fresh or salt, or eighteen ounces of flour, for the sum of *twelve cents* per ration.

Very respectfully,

B. S. CHAMBERS.

Col. THOMAS L. McKENNEY.

References.—Col. Richard M. Johnson, Henry Daniel, Joel Yancey, of the House of Representatives; George M. Bibb, John Rowan, of the Senate: William T. Barry.

WASHINGTON CITY, (*Brown's,*) *19th March, 1830.*

SIR: I will furnish rations to the Indians, according to your advertisement of the 20th February last, for eight cents per ration.

I have the honor, &c.

LUTHER BLAKE.

To the Hon. SECRETARY OF WAR.

WASHINGTON, *19th March, 1830.*

SIR: In accordance with an advertisement issued from the War Office, signed by Thomas L. McKenney, Department of War, Office of Indian Affairs, dated February 18, 1830, requiring proposals for supplies to emi-

grant Indians west of the Mississippi, Arkansas, and Missouri, I propose to furnish such supplies at seventeen cents per ration.

Respectfully, your obedient servant,

JOHN SHACKFORD,  
of St. Louis.

Hon. JOHN H. EATON, *Secretary of War.*

References.—To the delegation from Missouri and Illinois.

WASHINGTON CITY, *March 19, 1830.*

SIR: I take the liberty to address you with a proposal to supply the Indians, or such as may emigrate to their lands west of the Arkansas and Missouri, with rations, agreeably to the terms specified in an advertisement of the 20th ultimo, at nine cents per ration.

Very respectfully,

Your obedient servant,

WILLIAM PRENTISS,

To the Hon. SECRETARY OF WAR.

WASHINGTON, *March 19, 1830.*

SIR: Agreeably to your notice of the 17th of February, 1830, for proposals "for supplying emigrant Indians with rations west of the Mississippi," I shall engage to furnish the necessary provisions required, at the rate of twenty cents per ration.

Your obedient servant,

OLIVER NEWBURY.

Hon. JOHN H. EATON, *Secretary of War.*

WASHINGTON, *March 18, 1830.*

SIR: Having seen proposals issued by the War Department for furnishing rations for the Indians west of the Mississippi, I propose to furnish them, agreeably to the advertisement, for thirteen cents per ration, and will give bonds for the performance of the contract.

Respectfully, yours, &c.

Hon. SECRETARY OF WAR.

JOHN VAN FOSSEN.

WASHINGTON CITY, *March 19, 1830.*

SIR: I will furnish the rations to the Indians who may emigrate west of Arkansas and Missouri, as per your advertisement of the 20th February, (at 9 cents and 9 mills) nine cents and nine mills per ration, and I refer you to General Gibson, Commissary General, for my ability to fulfil the contract.

Respectfully, your obedient servant,

To THOMAS L. McKENNEY, Esq.

D. BUTLER, jr.

GEORGETOWN, *March 20, 1830.*

I propose to furnish the rations under the terms of your advertisement in the United States Telegraph, under date of the 18th February, 1830, for the Choctaw, Creek, and Cherokee nation, at nine and a half cents per ration.

J. K. SMITH.

To the Hon. JOHN H. EATON, *Secretary of War.*

Refer to firm of J. M. McKenney & Co., Georgetown.



WASHINGTON, 20th March, 1830.

SIR: I will furnish the rations, agreeably to the terms of your advertisement in the United States Telegraph, under date of 18th February, 1830, for the Indian emigrants of the Cherokee, Creek, and Choctaw tribes, (at 12½ cents) twelve and a half cents.

Very respectfully, I have the honor to be,  
Your obedient servant,

WILLIAM COX.

To the Hon. JOHN H. EATON, *Secretary of War.*

WASHINGTON, March 20, 1830.

DEAR SIR: On reflecting upon the proposals I had the honor to submit to you this morning, for the supplying rations to emigrant Indians west of the Missouri and Arkansas, I have concluded that should there be any bid under that already made by me, that I will take the contract at fifteen cents per ration.

Respectfully, your obedient servant,  
JNO. SHACKFORD.

Hon. JOHN H. EATON, *Secretary of War.*

WASHINGTON CITY, April 16, 1830.

SIR: Should the contract not be closed for the supplies to the Indians, (as advertised in the Telegraph of last month,) I will furnish them at twelve cents the ration, for the faithful performance of which I will give any security required.

Your most humble and obedient servant,  
JESSE MORRISON.

Hon. JOHN H. EATON.

WASHINGTON CITY, April 24, 1830.

SIR: I am the attorney of Luther Blake, with full powers to act for him in all matters relative to his bid for supplying the emigrating Indians with rations. The object of this note is to request to be informed whether the contract will be given out by the department, and to see the several bids for the same.

I am, sir, your obedient servant,  
JESSE BROWN.

Hon. JOHN H. EATON, *Secretary of War.*

MONDAY, May 28, 1832.

The committee met. Present: Mr. Stanbery, Mr. Wayne, Mr. Muhlenberg, Mr. Hubbard, Mr. Bates.

Col. Thomas L. McKenney, having been summoned as a witness, appeared, and was sworn.

Question 1, by chairman. Were you an officer of the Government in the War Department in the year 1830? If so, what office did you hold?

Answer. I was an officer in the War Department in 1830, and had charge of the Bureau of Indian Affairs.

Question 2. Were, or were not, the transactions between the Government of the United States and the Indians carried on through the medium of your office?

Answer. Not entirely.

Question 3. Did you prepare, and cause to be published, an advertisement for proposals for supplying emigrant Indians with rations west of the Mississippi, in February, 1830, or about that time?

Answer. I did, by direction of the Secretary of War.

Question 4. Had you any conversation with General Samuel Houston, or Major Eaton, the then Secretary of War, on the subject of these proposals, and the advertisement? If yea, state with which of them, and the order in which they occurred, and what passed on the subject.

Answer. Conversations were had with me on the subject of supplying rations to the Indians, by both General Houston and Major Eaton, the then Secretary of War.

General Houston came into the office of Indian Affairs—I do not recollect the day, but some six or eight days, perhaps, previous to the date of the proposals.

He commenced a conversation by making reference to the intention of the Executive to supply rations to the emigrant Indians by contract.

He drew his chair near my desk, and said: "It is my intention to make an attempt to engage in this business; I wish you to aid me; you can do much in accomplishing my intentions. Every body knows your acquaintance with this business, and you can have the matter attended to, pretty much as you please."

"If I succeed, as I am sure I can by your aid, you shall lose nothing by it."

I replied: "General Houston, I regret the mode of approaching this subject, and the terms you have employed in presenting it. Waiving further remark in regard to these, I have to say that I have no power whatever over the subject."

"My place is subordinate; I can do no more than execute such orders as the Secretary of War may direct me to execute."

He repeated, in general terms, that he had no particular object in the remarks to which I had taken exception; that he, nevertheless, held the opinion, if I chose, I could be essentially useful to him. That conversation ended by his asking me to come and see him at his lodgings. The next day, I think, he called again at my office, and asked me if I had seen the Secretary of War. I answered, I had. He asked me if the Secretary had said any thing to me on the subject of issuing proposals for supplying rations to emigrating Indians. I answered, he had not. He expressed surprise, and added: "it is d——d queer."

He called again the next day, perhaps the same day, when about the same conversation, in substance, took place as the last, with the following addition.

He said he was satisfied the Secretary of War had forgotten it, for that he had promised to see me, and give orders for preparing proposals for rations; and had promised him they should be published in the Telegraph of that morning.

I repeated that the Secretary had said nothing to me on the subject. He then asked if I could not see the Secretary. I replied, "my place is subordinate," as I had before told him; "that I could not with propriety move on the Secretary of War, but must wait his movements upon me."

He said, in a general way, that it was exceedingly embarrassing to him, as he wished to get off, and this was delaying him beyond his convenience.

That it was the more vexatious, as he had prepared proposals, and handed them to the Secretary of War, and these he promised me to hand to you.

There was no reason, therefore, that he could see, for any delay.

The next day, or the day after, he called again. My impression is, that his visits were sometimes two or three times a day, and made similar inquiries; and urged with vehemence that I should see the Secretary of War.

I still declined, assigning the same reasons as before. He then said, "McKenney, you have sustained Major Duval (the then Indian agent for the Cherokees in Arkansas) too long. You have issued to the delegation (meaning a delegation of Cherokee Indians,) that was here before the last, without proper or justifiable reason, fifteen hundred dollars; and, shaking his finger at me, added, "I know certain things, of which, however, I have said nothing."

I replied, my support of Major Duval is a matter of record. That he (Houston) *ought* to know that I had the same power, without the knowledge and "approval" of the Secretary of War, to issue that sum to the Cherokees, or to any person, that my doorkeeper had, and no more. That, as to his insinuations of knowing certain things, of which, however, he had said nothing, he was at liberty, and I urged him to move upon me in any manner, or under any forms that he might see fit to adopt.

He left me. On reflection, I considered it due to myself to address to him a temperate, but firm letter. (Handing a letter to the committee, witness continued.) This is the original draft of that letter.

#### DEPARTMENT OF WAR,

*Office Indian Affairs, February 18, 1830.*

DEAR SIR: I feel it to be due to myself, to say what follows in reference to your remarks made to me this morning, in person, when you were urging a limitation to the time at which proposals for rations for Indians should be limited, which, in substance, were, that I had sustained Major Duval too long; that I had issued to the delegation which was here before the last, without proper or justifiable reason, fifteen hundred dollars; and that you knew certain things, of which, however, you had said nothing. Now, General, as I have never, either in Major Duval's case, or in the case of any other person, whether agent or not, acted any part, either as an officer of the Government or a man, which I would not be perfectly willing to lay bare to the inspection of the closest inquirer, or for which I would desire for one moment the slightest reserve or concealment, I hereby relax any feelings of delicacy towards me which you appeared to indicate, and assure you, with the utmost frankness, of my perfect readiness to have any part of my conduct, as an officer or a man, examined into, and acted upon. You are at perfect liberty, as I said before to you, to move upon me in regard to any matters which you may suppose to involve my title to the respect and confidence of the Executive, or the world.

As respects your charges against Major Hamtramack, and your opinion that I did the service injustice by not sending them to the Auditor, I have to remark that the action of the office I hold is limited. I know, I think, the duties it imposes, how far those go, and where they stop. I think, on second thought, and with the same acquaintance with my duties that I have, you would, at least, relieve me from censure in this particular.

I am, &c.

To General Houston.

THO. L. MCKENNEY.

Colonel McKenney proceeded:

I ought to have said, before handing the letter to the committee, that General Houston, in urging upon me to see the Secretary of War, made a point, as one of importance to him, (Houston,) when I should speak to the Secretary of War, or he to me, that I would bear in mind that it was of the highest importance to him (Houston) that the time limiting the period within which bids were to be made, under the proposals, should be thirty days. He went on to state his reasons: these were, in substance, that his circumstances would not allow him to remain longer in Washington; that he was poor, and the expense was too great; and that he wished to return to Arkansas with all possible despatch; and that he could not remain in Washington, without great inconvenience, longer than thirty days. I told him it was a subject over which I had no control or influence; that it was an affair wholly with the Secretary of War; but that I could not well see how the time could be limited to thirty days, as it was my opinion the supplies would come principally from Arkansas; and that if the proposals were limited to thirty days, the people of Arkansas would not have time to answer them. To the letter written by me to Houston, already handed to the committee, I received no *written* answer.

On the day of the date of the proposals, and about 3 o'clock, and when about retiring from the room of the Secretary of War, after finishing off the business of the day with him, he, the Secretary, asked me if I had seen Houston. I told him I had, and added, "my interviews with him have not been of the most agreeable sort." Taking from his pocket, without, as I believe, making any reply to my remarks, a paper, he said, "I have forgotten for some days to hand you this paper. It is a paper containing proposals for rations for Indians, written by Houston, and handed to me by him; take it, and examine it, and if it is correct have it copied, and sign it, and let it appear in the Telegraph of the morning." I opened the paper, when he remarked, "it is late now, take it home with you and examine it."

I said, it is incorrect, and imperfect, and in a few words I can explain in what particulars. I pointed these out. I think these proposals enumerated the Cherokees as a tribe with whom a treaty had been made, and for whom rations would be required; and they omitted to designate depots at which to deliver the supplies. If these are not specified, I remarked, those who may incline to bid will not be able to say at what price the ration can be supplied.

Committee adjourned to meet to-morrow, at 9 o'clock A. M.

## TUESDAY MORNING, May 29, 1832.

Committee met. Present: Mr. Stanbery, Mr. Wayne, Mr. Bates, Mr. Muhlenberg, Mr. Hubbard.

### *Testimony of Colonel McKenney continued.*

The Secretary said, well, take the paper home with you, and prepare and bring a form with you in the morning. I did so, accompanying that form with the one he had handed me the day before. On reading my form, he remarked, you have not filled the blank designating the time for receiving bids. I answered, it is my object to call your attention to this. Perhaps, I remarked, you would like to reconsider this part of the proposals. My opinion is, those supplies can be furnished in Arkansas upon cheaper terms, and with greater readiness, than on this side of the Mississippi.



If the time be limited to thirty days, those who may wish to offer from Arkansas, must, for want of time, be excluded; besides, about as soon after reading the advertisement as our friend Colonel Sevier can reach the department, you will have a visit from him, and, perhaps, a long talk on the subject of the rights and interests of "his people." The Secretary answered, I do not think it is of much importance, for it is my opinion the supplies will come chiefly from Ohio and Kentucky: thirty days will be long enough for the proposals to circulate through that district of country.

If that is your view, I replied, there certainly can be no difficulty.

He then said, let thirty days be the time. It was done accordingly. Holding the form I had prepared in his hand, he went on to remark, I will have it altered in one or two particulars. I think the parts that were altered or added to are those I now designate on this copy from the department; and I believe the parts that were remodelled were by his own hand. Of this, however, I will not be certain; but if they were not altered by his hand, they were by his dictation. Of this I am certain. The original drafts are no doubt on file in the Indian Department. If the committee think it necessary, these will determine whether the changes were made in his handwriting or mine. The alterations, as I believe, embraced the following words: "*The right to be reserved to the Secretary of War to enlarge or alter the quantity of rations to be issued, and the right of continuing the contract to any period of time he may think proper, and to determine it at pleasure when any of the conditions shall be broken. The points of delivery not to exceed three in the country of either of the tribes, to be designated by the Secretary of War.*"

I wish the committee to understand, that what memory I have of this transaction points out to me the part I have designated. There may be other points, in addition; or portions of these parts may be as they were originally written. The original, however, will, as I have said, explain.

It has just occurred to me, and as the fourth question proposed by the committee requires me to state the conversation that passed, that when the Secretary determined that thirty days should be the term specified in the proposals, he added, "Houston is waiting; and he believed few men were so well qualified as he was for the discharge of such a trust."

In recurring to my remarks on the unpleasantness of my interviews with Houston, I said, I have not remarked upon the extension of time over thirty days, as that which is to limit the period in which bids are to be received, from any feelings of personal hostility to General Houston; so far from it, I sincerely sympathise with the man.

No further conversation passed between the Secretary of War and myself on this subject, until after the expiration of the time limited by the proposals for the receiving of bids. The day after the expiration of that time, several gentlemen called at my office, (but two of these were known to me; these were Mr. Prentiss and Judge Blake,) and inquired what decision had been come to on the bids. I answered, I did not know. They expressed great surprise that an officer who had issued proposals should know nothing about the decision which had no doubt been made, since the time was gone by, &c. I answered, I had no doubt but, on application to the Secretary of War, they would get the information they sought. That I did not know then, and, I will say to the committee, up to this hour, never having seen the inside of one or more of the bids, what offers were made, or by whom submitted. They left me, and, returning the next day, said they had sought

information, and could not get it, adding, the Secretary was too much engaged to see them.

Being in the Secretary's office soon after, on business, I concluded to mention to him that those inquiries had been made. He answered me, by saying, "I have received no offers except Houston's, in the name," I think he said, "of Ben. Hawkins." I feel some difficulty—my memory does not assure me fully, but I think he said, in the name of Ben. Hawkins. I expressed surprise, and said, this is throwing responsibility too heavily on me. At this point, the Secretary interrupted me, and said, if men will not be prompt, and hand in their proposals in time, they have no one to blame but themselves. I continued my intended remarks, by saying, I had received several packages which had been handed to me in my office, having written upon them "proposals for rations," and that I had, on the afternoon of the day *before* the time expired, placed them, *with my own hands*, in the hands of Doctor Randolph, his chief clerk, saying, these are proposals or bids for supplying rations to Indians; the time expires to-morrow, or is on the eve of expiring; you will be careful to place them before the Secretary of War, within it. I added, I think it due to myself to say, therefore, that if these proposals have not been placed before you, it is not owing to any fault of mine. I think this embraces, with as much precision as I can recollect, all that passed between the Secretary of War and myself on the subject, except at some period thereafter, how long, I do not remember, he mentioned to me incidentally that the President, I think he said, had determined to change the mode of supplying rations, and refer the business to the proper officers of the army.

Colonel McKenney remarked, that he had given only a *brief* answer to the second inquiry, and asked permission of the committee to explain. He proceeded: At the organization of the Indian bureau, it was contemplated that all transactions between the United States and the Indians should be carried on through it. This was the case for several years after its organization. The bureau was the repository of all matters touching our Indian relations; and all the business was duly acted upon, and recorded in it. It so continued until the latter part of Mr. Barbour's administration of the Department of War; when, without his knowledge, as I believe, and certainly without mine, until the confusion which arose out of it made it known to me, a circular was issued by the Second Comptroller, as I believe, directing the superintendents and Indian agents to make their returns direct to either the Second Comptroller or Second Auditor. The effect of this order was to divert from the Indian bureau, and from all knowledge of the officer having charge of it, that very business which, by his commission, he was required to act upon, and took from the Indian bureau, at once, both its action and its responsibility. The records of the office will show the efforts that were made to restore to the bureau its proper action, and re-establish the responsibility of the officer having charge of it. The evil, however, was never cured, but grew worse and worse until I left it.

I make this explanation of my answer to the second question of the committee, which was in these words, "*not entirely.*"

Question by Mr. Bates. How long were you in charge of the Indian bureau, and when did you leave it?

Answer. I was in charge of the Indian bureau something more than six years. My commission was dated March 11, 1824, and my dismissal from office the 16th of August, 1830.

Question by the chairman. How many Indians was it supposed would emigrate west of the Mississippi at the time the proposals for rations were published?

Answer. About sixty thousand.

Committee adjourned to meet to-morrow at 9 o'clock.

WEDNESDAY, May 30, 1832.

Committee met pursuant to adjournment. Present: Mr. Stanbery, Mr. Bates, Mr. Kerr, Mr. Wayne, Mr. Hubbard.

*Colonel McKenney's testimony continued.*

Question by the chairman. Was it contemplated to supply the Indians with rations from the time they should leave their residence east of the Mississippi, until their arrival at their lands west of the Mississippi, and for one year after?

Answer. These are the usual stipulations, and it was my understanding that they were intended to apply to this case.

Question by the chairman. Did you hear Major Eaton or Mr. Houston say that Houston was concerned in the bid made by General Van Fossen?

Answer. I have no recollection of having heard any thing from Major Eaton, connecting General Houston with any contract or bid, except what I stated in my testimony yesterday, which was, in substance, that there had been no bids received by him except Houston's, which, I think, he said was in the name of Ben. Hawkins. I do not recollect to have heard General Houston say that he was so connected with General Van Fossen, or with any other person; but from a general impression made upon my mind by all the occurrences of that period, I had no doubt he was connected in some way with this business.

Question by the chairman. You have stated that General Houston gave no *written* answer to the letter you addressed to him. Did he have any conversation with you on the subject of the letter? and if yea, state what that conversation was.

Answer. General Houston had conversation with me on the subject of that letter some two or three days, I think, after it was written. It was, in substance, that he had received it, and, in a pleasant mood, added, "You know that what I said on the occasion to which you refer is not worth entering into as a subject of dispute between us; therefore let it drop, and come down and see me. I shall be happy to see you at my room. I am having my likeness taken in Indian costume, and I want you to tell me how you like it."

\*Question by the chairman. Did Mr. Sevier, the delegate from Arkansas, have any conversation with you on the subject of these proposals? If yea, state all that passed upon that subject between you.

Answer. He had, on several occasions. His first conversation was, I think, on the morning of the day on which the proposals were published. He came at an early hour to my office. He appeared a good deal excited; and asked me what I meant by issuing proposals such as he had read that morning in the Telegraph. Before I made any reply, he said, "McKenney, I do not come here to quarrel with you about it; I know well that you act by authority. But I am not going to submit to have my people excluded from participating in the benefits of such a contract as these proposals call for. I will go to the bottom of it. They seem to have been made pur-

posely to exclude my people." Then turning, left the office, apparently much excited.

Question by Mr. Hubbard. Was Major Eaton or Mr. Houston present at the time the conversation above alluded to took place?

Answer. Neither of them.

Question by Mr. Bates. Did you subsequently have any conversation with the Secretary of War or General Houston, upon the subject of your interview with Mr. Sevier? or did Colonel Sevier, with your knowledge, call upon the Secretary of War?

Answer. I had no conversation with Houston, or he with me, touching that interview with the Secretary of War and Colonel Sevier. I had with the Secretary of War. I merely remarked that Colonel Sevier had been with me, and taken strong exceptions to the terms of proposals, especially as to the time limited. I believe he made no reply. Colonel Sevier called soon after, and said to me, "he had written Eaton a letter, in which he has my views in full." I have no further recollection on that subject, I believe, except that Colonel Sevier called frequently between the time when the proposals were published and the expiration of the time, and with pretty much the same state of feelings.

Question by Mr. Bates. Did you ever know what became of the proposals you placed in the hands of Dr. Randolph?

Answer. I never saw them afterwards, nor do I know what became of them, or what disposition was made of them.

Question by Mr. Wayne. Have you ever said to any one that Major Eaton had attempted to give a fraudulent contract to Governor Houston, or to any other person or persons concerned with Governor Houston, for the supply of Indian rations?

Answer. I have no recollection of ever having expressed myself in such terms. I have been often spoken to by numerous persons, and in various places, since the subject has been made one of general notoriety; but I do not believe I have ever expressed myself in any such terms. The parts of this subject which have appeared to me to bear with greater weight than those which enter into my official or personal knowledge of it, are those with which I have become acquainted from information given to me by others; Judge Blake, for example, and from the newspapers. I confess, putting the whole together, I have thought inferences grew out of it which go far to implicate the parties, and I have said this much, and that the aspect of the case was an ugly one. But these expressions, as I believe, and produced under such circumstances, convey the most that I have expressed on the subject; nor do I know that I ever *sought* to give even that to anybody. It may be proper to state, that what has thus fallen from me was based more on Judge Blake's statement, made to me in person at the time, and, as I have seen in the newspapers, sworn to afterwards, and other statements in the newspapers, than any knowledge of the facts which these appeared designed to establish, that were known to me personally.

Question by Mr. Wayne. Have you any knowledge of the facts reported in the newspapers, to which you have alluded in your answer to the preceding question?

Answer. I know nothing further than I have attempted to give in that answer.

Question by Mr. Wayne. At the time proposals were issued for the supplies of Indian rations, were you not ignorant of the prices at which Indian rations could be furnished for?



Answer. I cannot now recall, and from memory, any certain data on which I based my opinions I then had as to these prices, but I am certain I possessed the data; I mean data on which to found estimates.

It was one of the objects of the proposals to bring that information more definitely to the department.

Question by Mr. Wayne. In the interval between the publication of the proposals, and the expiration of the thirty days for the bids to be made, have you any facts to show that the Secretary of War intended to give the contract to Houston?

Answer. I have not.

Question by Mr. Wayne. Have you any knowledge that the bids which you say you handed over to Dr. Randolph, ever reached the Secretary of War?

Answer. I have not.

Question by Mr. Wayne. Did you, after the conversation with Houston, soliciting your aid to obtain for himself the contract, communicate fully the particulars to the Secretary of War?

Answer. I am not sure; but believe I did. It was the want of a distinct recollection on this point that caused me to limit my remarks, in my testimony yesterday, to the slight reference to the subject. I believe I stated, that I remarked to the Secretary of War that my interviews with General Houston had not been of the most agreeable sort.

Question by Mr. Wayne. Had you ever any communication or any conversation with the President of the United States in relation to the issuing of the proposals for the supply of Indian rations, or to the bids made under them?

Answer. Never.

Question by Mr. Wayne. If you had been called on at the time the proposals were issued for bids, would you, or had you the ability to give an opinion within ten cents of the cost for which rations could have been furnished?

Answer. I have no doubt I could, and within a much less sum. I know there were various opinions held and expressed on this subject at the time; and I made various calculations of the cost, some on my own researches and opinions, and others on the suggestions of others.

Question by Mr. Wayne. Did you communicate to the Secretary of War, at that time, your opinion of what the cost of rations would be, and the facts upon which such an opinion had been formed?

Answer. I am not certain that I ever did, or that he ever inquired of me. I have some recollections of having submitted some reports and calculations of the probable cost of removing the Indians, in which the cost of the ration would be of course included. I know the subject was one that had my attention. It was a subject much talked of, and much and variously written about, especially about the time the bill appropriating five hundred thousand dollars for the removal of the Indians was pending. If I am right in these impressions, the records of the office will show.

Question by Mr. Wayne. Have you any recollection as to what conclusion you came to as to the cost of the ration?

Answer. I have not. I do not feel free, at present, to say; but the records will show.

Question by Judge Wayne. Had you not had the agency for making preceding contracts for rations for Indians emigrating west of the Mississippi?

Answer. I believe this was the first attempt made to supply emigrating Indians under the form of a contract. Hitherto the supplies were furnished by the agents having charge of the emigrating parties. They performed this service without any agency of mine, further than to carry, by direction of the Secretary of War, the orders for them to do so.

An act of Congress, the date of which I forget, refers to the agents the duty of purchasing supplies of every sort, for the Indians within their respective agencies.

Question by Mr. Wayne. Under this mode of supply, what had been the cost of a ration to the emigrating Indians?

Answer. The cost varied materially. It depended in what section of the country the supplies were purchased. The accounts for these objects being referable, by act of Congress, to the accounting officers of the Treasury, I am not able, from memory, to answer the question. The information, however, the committee can obtain of the Second Auditor.

Committee adjourned, to meet to-morrow, at 9 o'clock A. M.

THURSDAY, May 31, 1832.

Committee met pursuant to adjournment, at 9 o'clock A. M.

Present: Mr. Stanbery, Mr. Bates, Mr. Wayne, Muhlenberg, Mr. Hubbard, Mr. Kerr.

*Colonel McKenney's examination continued.*

Question by Mr. Bates. You say, in your answer to a preceding interrogatory, that you have no knowledge of any fact to show that Major Eaton intended to give the contract to General Houston. Do you mean to be understood as saying you knew of no other facts than those you had before stated in your testimony? or do you mean to be understood as giving your *opinion* upon the effect of that testimony? Will you explain?

Answer. My meaning in the answer given to the interrogatory referred to, was, that I had no personal knowledge of any other facts. What a man sees or hears, he may be said to know personally. What others tell him becomes knowledge to him also; but it is derivative. Derivative knowledge may be as correct as personal knowledge, although circumstances may exist to entitle it to a less confident belief. Every man will judge of these circumstances for himself. But, if derived knowledge is justly conveyed, it is as good as personal knowledge for all the purposes to which we apply knowledge. For example, if I were told by a person that he saw a man strike another a blow in the rotunda of this Capitol, that would be to me knowledge of the fact, though I should not have been at the time within a thousand miles of Washington. It would be as much relied upon by me, if told, for example, by any member of this committee, as if I had seen the blow struck. Were I asked, however, as in the previous interrogatory, if I had any knowledge of such a blow being struck, and, in the sense in which I understood that question to be put, I should answer, *I had not*. In *this sense* I intended my reply to the question referred to to be understood. I did not mean to be understood as saying that I did not know *derivatively* of any other facts than those stated by me, in my answers previously given, because Judge Blake had told me in my office (though unsought by me in any way) as facts, *others*, connected with the subject of this inquiry; and because I had read other statements in the newspapers,

touching this subject, on the authority of respectable names. These statements formed the grounds of my remarks, which I stated yesterday I had made, that the case wore an ugly aspect, more than any facts known to me personally. In a word, I meant to say that I never *saw* General Houston and the Secretary of War, Mr. Eaton, engaged together, or separately, in the act of bargaining to this effect; nor did I ever hear from *either* of them that it was the intention of the Secretary of War to give the contract to Houston; nor did I ever see it under the *sign manual* of either.

Question by the chairman. Was it the intention of the department, in issuing the proposals to make a contract for the supply of rations, or was it the only object, in publishing the proposals, to ascertain the price at which they might be obtained?

Answer. My understanding of the object of issuing these proposals, was, to procure supplies; and, as connected with this leading object, of course, to ascertain the lowest price at which they could be procured.

Question by Mr. Bates. Did you make no inquiry of Doctor Randolph what became of the bids you placed in his hands?

Answer. I have no recollection that I did. I considered my duty performed in handing them to him; and, in the particular manner in which I did it, and in my statement to the Secretary of War that I had done so, I certainly left the Secretary of War under the impression that *he* would inquire into it. It had ceased to be any business of mine. Doctor Randolph never intimated to me, even, that he had not received the bids of me; nor did I ever hear that he had denied it.

Question by Mr. Bates. Did General Houston ever call on you to know the decision of the Secretary of War on his bid?

Answer. Never.

Question by Mr. Hubbard. Did the late Secretary of War assign any reasons to you why it had been determined to supply the emigrating Indians with rations through the officers of the army, rather than to supply them according to the advertisement published by his order in the *Telegraph*, in 1830? If he did, state what these reasons were.

Answer. I have no recollection that the Secretary of War ever said anything to me upon the subject, except what I have stated, viz. that the President had determined to change the mode, and supply the rations through the officers of the army.

*Judge Herring being sworn as a witness.*

Question by the Chairman. What office do you now hold?

Answer. Chief clerk of the Indian Department, and the same office formerly held by Colonel McKenney.

Question by the chairman. Have you with you the original proposals for supplying emigrating Indians with rations, signed, by order of the Secretary of War, "Thomas L. McKenney," and issued from the Department of War, Office Indian Affairs, February 18, 1830.

Answer. The papers now presented, marked A and B, were taken from the files of the office, and, having compared them with the records, have no doubt of their being the papers referred to.

Question by the chairman to Col. McKenney. Look at the paper marked B, (it being one of the papers presented by by Mr. Herring.) In whose handwriting is the following words contained in said paper?

"The right to be reserved to the Secretary of War to enlarge or alter the quantity of the ration to be issued, and the right of continuing

*the contract to any period of time he may think proper, and to determine it at pleasure when any of the conditions shall be broken.*

Answer. The handwriting of Mr. Eaton, the late Secretary of War. The remainder is mine.

Question by Mr. Hubbard. You have stated, as a part of a conversation that you had with Colonel Sevier, that he, Colonel Sevier, told you that he had written a letter to the late Secretary of War, in which he had fully communicated his views in relation to the proposals that he had published for supplying the emigrating Indians with rations, &c. Have you, at any time, ever seen that letter? If so, state when, where, and under what circumstances.

Answer. I never saw it.

Committee adjourned to meet to-morrow, at 9 o'clock A. M.

#### FRIDAY, June 1, 1832.

The committee met at 9 o'clock A. M. Present: Mr. Stanbery, Mr. Bates, Mr. Wayne, Mr. Hubbard, Mr. Muhlenberg, Mr. Kerr; and adjourned to meet to-morrow, at 9 o'clock A. M.

#### SATURDAY, June 2, 1832.

Committee met pursuant to adjournment. Present: Mr. Stanbery, Mr. Bates, Mr. Muhlenberg, Mr. Hubbard.

#### *Colonel McKenney's testimony continued.*

Question by chairman. Do you know any thing material to the inquiry before the committee, and not stated by you before, in answer to any of the foregoing interrogatories? If so, state the same.

Answer. I have no personal knowledge, I believe, of any thing not included in my answers to the foregoing interrogatories.

Committee adjourned to meet again on Monday next, at 9 o'clock A. M.

#### MONDAY, June 4, 1832.

The committee met pursuant to adjournment. Present: Mr. Stanbery, Mr. Drayton, Mr. Muhlenberg, Mr. Hubbard, Mr. Kerr.

#### *Colonel McKenney's testimony continued, in answer to the question by the chairman on Saturday, June 2.*

Colonel McKenney proceeded. I am now prepared, after an examination, by permission of the Secretary of War, of my calculations, and reports, &c. to which I made reference in my examination of Thursday last, to state what opinion I had arrived at, as to what the cost of the ration ought to have been; and, in addition, what would be the entire cost of removing the Indians from the east to the west of the Mississippi.

I find from the figuring, which yet remains in the office, that I estimated the cost of the ration at ten cents, but assumed, that, if a change were made in the mode of supplying rations from the local agencies to a system of contracts, one-third of this cost might be deducted, leaving six and two-thirds cents as the cost of the ration. I derived my opinion, I find, from a thorough examination and average of previous expenditures, chiefly from accounts of agents on expenditures actually made, and returned to the office



of the Second Auditor. I did not feel free to rely on my memory in matters of calculations and estimates of this sort; and, therefore, gave the answers I did on Thursday.

I submit an extract of a report made by me to the Secretary of War on the 6th of April, 1830. This extract embodies the result of my estimates of the cost of removing the Indians, including the estimated cost of a ration at ten cents. This item is not put down in the report, but I find it in the figuring used in reaching the main results.

*Extract of a report from Colonel McKenney, Chief Clerk of the Indian Bureau, to the Secretary of War, Major Eaton, dated*

APRIL 6, 1830.

"The average expense, per head, of removing the Creek Indians who have emigrated, *has* been thirty-three dollars; but it is believed, under the system of contracts which I had the honor to recommend in my annual report of the 17th November last, the cost may be considerably reduced. The cost of supporting the Indians for a year after their arrival, has been, in application to the Creeks, at the rate of six cents per day, each."

"The *incidental* expense which has attended the removal of the Creeks, is embraced in the foregoing, from which it appears the *entire* cost attending the removal of each Creek, and supporting him, *has* been fifteen cents per day, or fifty-five dollars per year. But subsequent experience in taking over the last party has shown that, even under the present system, it need not amount to more than about half the cost of the first movements, and it may, as I have stated, be still reduced by a system of contracts. The value of improvements abandoned by the Indians is not included; nor is it supposed it was intended it should be, since what is paid for these will be reimbursed, it is fair to presume, in the additional value which these improvements will give the soil.

"If fifty-five dollars be assumed as the cost attending the removal of each Indian, and supporting him for a year after his removal; and if there are, as is presumed to be the case, eighty thousand Indians east of the Mississippi, the entire cost will be, for removing them, and supporting them for a year, \$4,400,000. If from this be deducted the difference between the actual cost of the first and the last party, (the first conducted by Colonel Brearley, the last by Colonel Crowell,) it would cost two millions eight hundred and eighty thousand dollars; and if one-third be deducted from this, under a system of contracts, which I think would be a fair reduction, it would be two millions two hundred and ninety-four thousand dollars.

"It is proper to remark that this estimate is based on the removal of eighty thousand Indians. This number has been assumed because the inquiry contained in the resolution of the House of Representatives, embraces "*all* the Indians on the east of the Mississippi." If, however, it were confined to the Indians which it is presumed may have been *intended* to be embraced, viz. the four southern tribes, Chickasaws, Choctaws, Creeks, and Cherokees; the Seminoles in Florida, and the fragments of bands in Ohio, and Indiana, &c. these numbering about sixty thousand, it would be proper to deduct one-fourth, which would leave one million seven hundred and twenty thousand dollars. This sum would be a charge upon the Treasury for so much expended in *removing* Indians to, and *supporting* them for a year in the country heretofore described; but if the inquiries embraced the question of reimbursing it, there would be no difficulty in showing that the lands

abandoned by those Indians would, when sold, reimburse not only this sum, but furnish a fund besides for their improvement in the west for many years. As, however, this information is not called for, I forbear to enter upon a calculation of the number of acres of land that are now claimed by those eighty thousand Indians, and to show the probable value of the same."

Question by Mr. Muhlenberg. You have said, in your opinion, a ration might be delivered for six and two thirds cents. Was this opinion given to the Secretary of War? or the estimates upon which it was founded submitted for his inspection? If so, at what time?

Answer. I have not the slightest recollection that I ever gave any opinion to the Secretary, or that he ever sought it of me, prior to making this report of the 6th of April, 1830. I am convinced, since, on examination of the records on Saturday last, now in the office of Indian Affairs, that I was prepared to give this opinion, and the data on which it was founded, as it is embodied in the extract from that report just submitted. The report, it may be proper to state, was made on a resolution of the House of Representatives, calling, I think, on the Secretary of War, for the information which it contains. All such resolutions were uniformly sent to me to report upon. It was under a call of this my opinions were embodied and submitted. I have no recollection that they were ever asked in any other way. I have been in the Secretary's room, and joined in conversation with him and Major Lewis on the probable cost of removing the Indians, and relating to this report; but never, I believe, touching these proposals, or any thing connected with them, except what I have stated.

Question by Mr. Kerr. In the paper handed to you by the late Secretary of War, containing proposals for rations for Indians, written by Samuel Houston, and handed by him to the Secretary of War, as you have said the Secretary stated to you, was the limitation of time for receiving proposals inserted? and, if so, what was the limitation?

Answer. It is my belief that it was, and that it was worded in this particular pretty much as that is which was published: "Proposals &c. &c. will be received until the 20th of March, 1830," &c.

Question by Mr. Kerr. Did you know the handwriting in which that paper was written? If so, in whose handwriting was it?

Answer. I know General Houston's handwriting, and believe it was in his.

Question by Mr. Kerr. What went with that paper, and where was it last seen by you?

Answer. I took it with me the next morning, at the time I submitted the form prepared by myself, into the Secretary's room. I have no recollection of having ever seen it afterwards. My impression is, I left it on the Secretary's table.

Committee adjourned, to meet again to-morrow, at 9 o'clock A. M.

JUNE 5, 1832.

Committee met in pursuance to adjournment. Present: Mr. Stanbery, Mr. Wayne, Mr. Muhlenberg, Mr. Hubbard.

General George Gibson appeared as a witness, and was sworn, and delivered in writing the following statement:

"On the 5th of February, 1830, the following order was received from the Secretary of War:

‘SIR: Our treaties require that the Indians going west shall be supported twelve months by the Government.

‘Query 1st. Can your department furnish these supplies, and distribute them? and at what probable cost of the ration, all expenses of buying and distributing being considered?

‘2d. Would it be preferable to contract with some persons to do this? and, if so, what price of the ration and delivery might be considered fair? There will be about three points of delivery: a little west of Cantonment Gibson the first, and the other two fifty or one hundred miles further.

‘Respectfully,

‘J. H. EATON.

‘Gen. GIBSON, *Subsistence Department.*’

Immediately upon its being placed before me, I waited upon the Secretary of War for further information upon the subject, particularly as regarded the number of Indians to be removed, which he mentioned would be about thirty thousand. I then sent one of the gentlemen in the Subsistence Office to ascertain what had been the cost of the ration in the new country; and, upon receiving the information required, the Secretary was furnished with the following reply:

“OFFICE OF THE COMMISSARY GENERAL OF SUBSISTENCE,

*Washington, 8th February, 1830.*

“SIR: In reply to your queries of the 5th instant, I have the honor to state, that, as regards the 1st, it would not be practicable for this department to furnish supplies to Indians going west, after their arrival at the place of their ultimate destination, in as much as it would take officers of the army from their permanent posts, and, if not entirely place them under the superintendence of, and subject them to the orders of the Indian agents, it would bring them into such contact as might be productive of very unpleasant results. Touching the 2d query, the most preferable mode of furnishing the Indians with supplies would be by contract, which, when it is considered that it would be but temporary, that the erection of buildings at three different points for storing the provisions would be requisite; also the employment of a number of men to herd the cattle, and to guard them from theft, and the propriety of the contractor, calculating other contingencies, must necessarily make the price of the ration very high, and far beyond what it could be supplied for, provided it was delivered in bulk at one given point, and there was a certainty of the supply being more permanent than is for the present anticipated. In fact, all circumstances considered, it is my opinion that it could not be furnished for less than eighteen or twenty cents.”

Very respectfully,

Your most obedient servant,

GEO. GIBSON, C. G. S.

Hon. Jno. H. EATON,

*Secretary of War.*

But as Major Hook, also attached to the commissariat, differed with me in opinion as to the cost of the Indian ration, I took an early opportunity to consult persons acquainted with the resources of the Arkansas country as to the quantity of beef and corn to be procured in the Territory; and, from the information received, I was convinced that it would not be necessary to transport provisions from the neighboring States, and that, consequently,

the price given to the Secretary was much too high, of which I informed him, and, I think, requested permission to make another estimate; to which he replied that it was not necessary, as he would advertise for proposals to supply the removing Indians with rations. The Secretary frequently spoke to me upon the subject of these supplies, and asked my opinion as to the proper mode of guarding the Indians against imposition in the event of a contract being made.

Some time after this, I left the city on leave of absence, and on my return was informed by Major Hook that he had been called upon by the Secretary of War for another estimate, and that the President had determined to have these rations supplied through the Commissary's Department, which plan was subsequently adopted, and is now in progression.

Question by the chairman. At what time was the plan adopted of having the rations supplied through the Commissary Department?

Answer. Officially, in May, 1830.

Question by chairman. You state that you sent one of the gentlemen of the Subsistence Office to ascertain what had been the cost of the Indian rations: to whom did you send that gentleman?

Answer. I sent him to the clerk in the Second Auditor's office, who settles Indian accounts of that kind.

Question by chairman. Did you receive a communication, in writing, from the clerk so named?

Answer. I did not.

Question by the chairman. What was the information you received?

Answer. That the rations had cost twenty cents or about that.

Question by the chairman. Do you know whether Samuel Houston was in Washington on or before the 5th of February, 1830?

Answer. I believe he was.

Question by the chairman. Had you any conversation with him on the subject of Indian rations?

Answer. General Houston called upon me, and had some conversation on the subject of army rations.

The copy of the proposals for supplying emigrant Indians with rations west of the Mississippi, being handed to the witness, the chairman put the following

Question. Whether the said proposals were in the usual form of advertising for supplies for the army?

Answer. As near as can be, except this difference, that we advertise for supplies in bulk, and that the following words are not inserted: "*The right to be reserved to the Secretary of War to enlarge or alter the quantity of the ration to be issued, and the right of continuing the contract to any period of time he may think proper, and determine it at pleasure, when any of its conditions shall be broken.*" But we have the right to reduce the quantity one-third.

Committee adjourned to meet again to-morrow, at 9 o'clock A. M.

WEDNESDAY, June 6, 1832.

Committee met pursuant to adjournment, at 9 o'clock A. M. Present: Mr. Stanbery, Mr. Wayne, Mr. Kerr, Mr. Drayton, Mr. Hubbard, Mr. Bates, Mr. Muhlenberg.

*General D. Green appeared as a witness, and was sworn.*

Question by Mr. Hubbard. Do you know any thing in relation to a contract said to have been attempted to have been made between Samuel Hous-

ton and the late Secretary of War, to supply the emigrating Indians with rations? If you do, state that knowledge.

Answer. About the time that the advertisement was published in the Telegraph for proposals, which advertisement has been referred to in the testimony of Mr. McKenney, I was at the President's, and saw Major Eaton, then the Secretary of War, and General Houston sitting together in earnest conversation; one of whom (I believe the Secretary) beckoned me to them, and asked at what time an advertisement intended for publication on the next day should be sent to the office. I replied, at any time before ten o'clock. He said, I will send you one to-morrow. General Houston said, "No, I will call and take it." The advertisement was inserted; and some time thereafter, I believe on the 18th of March, I was in conversation with Major Eaton: he told me that he was about to close an important contract for supplying the emigrant Indians with rations; that he had ascertained that the ration had heretofore cost about twenty-two cents; that General Houston had gone on to New York, and, having obtained a wealthy partner, (or security,) would take the contract at eighteen cents. He estimated that the rations, at that rate, would amount to twelve thousand dollars per day, and seemed desirous to impress on my mind a belief that the difference between twenty-two cents and eighteen cents per ration would be so much saved to the Government on the issue to that extent. He spoke of the number of Indians whom he expected to emigrate, which, as well as I recollect, he estimated from sixty to eighty thousand.

I told him that I was satisfied that, instead of a saving, there would be a great loss to the Government. I told him that I knew that beef could be purchased in Missouri and Illinois, on foot, at from one dollar to one dollar and fifty cents per hundred pounds, and that, without further inquiry, I should suppose that the ration ought not to cost more than six cents. He manifested considerable impatience, and seemed unwilling to listen to me. I believe that I then urged him to advertise again, and thus give to the western people an opportunity to bid, assuring him that the result would be a great saving on the contract. I left him under a firm conviction that he had determined to give the contract to Houston, and that his object in speaking to me was to induce me to make a favorable mention of the contract in the United States Telegraph. Upon reaching home, I consulted with a friend from Missouri, then at my house, and expressed my wish that some one could be induced to put in a lower bid. He suggested that Mr. John Shackford, then a respectable merchant at St. Louis, and now the door-keeper of the Senate, then in the city, would be a proper person to do so; and I immediately sent for Mr. Shackford. I explained to him my suspicions; told him what had transpired between Major Eaton and myself, and urged him to put in a lower bid, saying to him that my object in sending for him was, first, to induce some one to bid the contract down as near as possible to a fair price, so as to save the money of the Government, and, next, to prevent the effect which I plainly foresaw such a contract as that contemplated with Houston would have on the character and popularity of the administration; and that, knowing that he was not a partisan of the administration, I relied upon his honor not to use the facts then disclosed, to the prejudice of the administration, if we could prevent the contemplated contract. He told me that he had invested a large amount of his property in the Louisville and Portland canal, and, that the stock being unproductive and below par, he was not in funds, and that his disappointment made him fearful to enter into any enterprise attended with uncertainty. We examined the proposals, and he commented upon the power which the Secretary



would have over the contract, and the danger of embarking in it against his wishes, and seemed unwilling to put in a bid at what I considered a fair price. He agreed, however, to think of it until the next day, and did call on the next morning. Finding that he would not consent to put in a bid at such a price as I believed the Government ought to accept, I resolved to see the President, and, if possible, to prevail on him to extend the time of receiving proposals.

When I entered the President's room, I found him in conversation with Governor Branch. (It is my impression, although the Governor, the other day, told me that he thinks he entered the room after I did.) I apologized for calling, by referring immediately to the contract; said that I was confident that it could be furnished for much less than I understood the department was about to give. The President said that they had ascertained that the ration had cost twenty two cents; that General Houston had gone on to New York, and had brought with him (or obtained) a wealthy partner, (or security,) and that the contract would be given to him at eighteen cents. I then referred to the price of beef, corn, &c., in the west, and said that I was confident the rations could be furnished at six cents. He replied, quickly, "will you take it at *ten*?" I said, no sir. He then said, "will you take it at twelve cents; if you will, you shall have it at that?" I told him that I was not a bidder for the contract; that, although I was satisfied that I could realize an immense sum upon such a contract, I was influenced to call upon him by a desire to serve him and the administration, and not by a wish to speculate; and left him. Upon reaching home, I wrote to Major Eaton a letter, which I gave to my youngest brother, then living with me, to copy in my confidential letter book, with instructions to carry it to Major Eaton; which he told me that he did. The letter will be found in the *Telegraph* of \_\_\_\_\_ as taken from the copy in my brother's handwriting, with a few corrections of what are manifestly errors of the copyist. I will hereafter hand the copy of the letter to the committee.

Committee adjourned, to meet to-morrow, at 9 o'clock A. M.

THURSDAY, June 7, 1832.

The committee met pursuant to adjournment. Present: Mr. Stanbery, Mr. Kerr, Mr. Bates, M. Hubbard, Mr. Wayne, Mr. Drayton, Mr. Muhlenberg.

*General Duff Green, as a witness.*

Question by the chairman. Had you any conversation with the Hon. Mr. Bell, or with any other persons, on the subject of the attempt of Major Eaton to give the contract to Mr. Houston, about the time you had the conversation with the President and Major Eaton?

Answer. I can only say, that, on my way to the President's, I met Mr. Bell near *Strother's*, and had a conversation with him upon the subject. I have had conversations with other persons, which, however, I do not so distinctly recollect, because the circumstances of those conversations to which I have first referred were calculated more to impress them upon my memory.

Question by the chairman. Do you know the cause which prevented General Houston, or the persons associated with him, from obtaining the contract?

Answer. I have an opinion, but I cannot say that I *know* the cause.

Question by Mr. Kerr. Have you any facts upon which that opinion is founded?

Answer. That opinion is founded, partly upon the facts I have stated, and partly from information derived from others.

Question by Mr. Kerr. Had you, at that time, (on or about the 18th March, 1830,) any conversation with General Houston on the subject of the contract? If any, what was it?

Answer. About that time, I think before the publication of the advertisement, I met General Houston on the pavement, near Brown's hotel. He requested me to call at his room, as he had something of great importance to communicate. But I did not call to see him, and had no conversation with him beyond this, that I recollect of.

Committee adjourned, to meet to-morrow, at 9 o'clock A. M.

The committee met on Friday morning, of June 8th, 1832, at nine o'clock A. M., pursuant to adjournment. Present: Mr. Stanbery, Mr. Drayton, Kerr, Mr. Muhlenberg, Mr. Hubbard.

Governor John Branch appeared, and having been duly sworn, as a witness, the chairman put the following question to him:

Question. Were you present in March, 1830, when Gen. Duff Green had a conversation with the President of the United States on the subject of a contract for supplying emigrating Indians with rations? If yea, state what passed between them.

Committee then adjourned to meet on Monday next.

#### MONDAY, June 11, 1832.

The committee met pursuant to adjournment. Present: Mr. Stanbery, Mr. Drayton, Mr. Kerr, Mr. Wayne, Mr. Bates, Mr. Muhlenberg.

Governor Branch appeared, and gave the following answer to the question put to him by the chairman on Saturday:

Answer. I was present, (between the 15th and 20th of March, 1830,) and heard part of a conversation which passed between Gen. Green and the President of the United States, in relation to a contract for supplying emigrating Indians with rations. Gen. Green appeared to have been making objections to the conclusion of a contract with Gov. Houston for the same. My attention was arrested by his remark to the President, that money could be made at ten cents the ration; on which the President said, you shall have the contract at that price. To which Gen. Green replied, that it was not his object, in calling, to make a contract himself, but to prevent the completion of one which he believed would materially affect the character of the administration. The President hastily and emphatically asked him if he would take it at twelve cents; Gen. Green said, no, sir, repeating with much earnestness of manner what he had before observed, adding, that he was actuated by higher considerations than those of pecuniary gain. Gen. Jackson appeared to speak unreservedly on the subject, as if he was conscious of the propriety of the course he was taking.

Gen. John Van Fossen having been sworn by the chairman, the following questions were put to him:

Question by the chairman. Did you, in 1830, offer proposals for supplying rations to emigrating Indians?

Answer. I did.

Question by the chairman. Were you in partnership, or in any way connected with Samuel Houston, in proposals for supplying rations for emigrating Indians?

Answer. My bid, within the notice, was exclusively on my own account. Subsequently to that time, I made a proposal, I think about the 12th of April, 1830, in which I stated to the department that I was authorized to bind Samuel Houston and Robert L. Rose with myself for the fulfilment of the proposals, provided we could obtain the contract at twelve cents.

Question by the chairman. Did you bring with you any letters written by Samuel Houston, relative to proposals for supplying rations for emigrating Indians, or relating to the subject of a contract, or a proposed contract, for supplying emigrating Indians with rations? or have you in your power or possession any papers relative to said proposed contract?

Answer. I have in my possession letters from Samuel Houston, and copies of the proposals which I made to the department. The letters relate, more or less, to the proposals; (here the witness produced certain papers, marked Nos. 1, 2, 3, and 4, of which copies follow below;) the letters alluded to he had some delicacy in submitting to the committee, and had made up his mind not to do it, because they contained matters not relating to the contract aforesaid.

Thereupon, Gen. Van Fossen was assured by the committee that the parts of said letters which did not relate to the subject-matter of inquiry, would be confidential with them, and not be communicated to the public.

Gen. Van Fossen then said it would remove the objection, *in part*, to submit them to a sub-committee.

Mr. Muhlenberg then moved, which was seconded by Mr. Wayne, that a sub-committee be appointed to examine certain letters written by Samuel Houston to John Van Fossen, and to report such parts of said letters as may relate to the subject of the contract in question, for the supplying rations to emigrating Indians, which was carried. Messrs. Stanbery, Wayne, Drayton, Hubbard, and Muhlenberg voting in the affirmative; Messrs. Bates and Kerr in the negative.

Moved by Mr. Hubbard, that Messrs. Wayne and Kerr constitute that committee.

Here follow copies of the papers referred to, marked Nos. 1, 2, 3, and 4.

#### No. 1.

“WASHINGTON, *March 18, 1830.*

“SIR: Having seen proposals issued by the War Department for furnishing rations to the Indians west of the Mississippi, I propose to furnish them, agreeably to the advertisement, at thirteen cents per ration, and will give bonds for the performance of the contract.”

#### No. 2.

“WASHINGTON, *April 12, 1830.*

“SIR: I am authorized to include Gen. Samuel Houston and Mr. R. L. Rose in a contract with myself, for supplying rations to the emigrant Indians at twelve cents the ration.

"I am further authorized to bind Mr. Rose with myself in a like contract, at eleven cents the ration. If the department should think proper to accept either of the above proposals, I am ready to close the contract, and give the security required on reasonable notice of such acceptance.

"In case you do not accept either of the above proposals, I will take the contract alone, at ten cents the ration.

"Very respectfully, yours, &c.

"JOHN VAN FOSSEN.

"Hon JOHN H. EATON, *Secretary of War*.

"P. S. You will not regard Hawkins's bid as withdrawn by me, but, with the department, to be disposed of or acted on as they may think proper."

### No. 3.

"SIR: As the bill for removing the Indians has passed the House of Representatives, it is to be presumed that it will become a law, and that a contract for supplying them will, of course, be concluded. To meet the views of the Government, in whatever form it may be thought best to procure the supplies required, I would submit, in addition to my former proposals, the following: I will furnish the ration agreeably to the notice of the 15th February last, at six and a quarter cents, unless I can show satisfactorily to the Government that the actual cost exceeds that sum, (the business being done in an economical and prudent manner,) in which case the Government shall pay the actual expense, together with a fair compensation for doing the business; conditioned, also, that such compensation shall not, in any event, exceed the sum of ten cents the ration. For the performance of which, I will give the security required.

"JOHN VAN FOSSEN."

### No. 4.

"Gen. VAN FOSSEN.

"Take the contract at eleven cents, and as much over that sum as you can get, in my name, and I will find all the necessary securities, and execute to you such a contract as you may see fit to draw between us.

"R. S. ROSE.

"April 8, 1830."

Question by the chairman. What are your reasons for not producing the letters written you by General Houston?

Answer. Because they contain things not connected with the contract for supplying rations to Indians, and matters of a private nature, which I do not feel at liberty to disclose.

Question by chairman. To whom did you hand the proposal in which Mr. Houston and Mr. Rose were concerned?

Answer. My impression is that I gave it to a servant at my boarding house, and sent him with it to the Secretary of War. I am not, however, positive on the subject.

Question by the chairman. In the postscript in your letter to the Secretary of War, dated April 12, 1830, you say: "You will not regard Hawkins's bid as withdrawn by me, but, with the department, to be disposed of

or acted on as they may think proper." Who was Hawkins? and what control had you on his bid? and what bid had he made?

Answer. Hawkins was a half-breed Indian. He addressed a letter to General Houston, when about leaving the city, authorizing him to assign to me his bid. I do not know what the bid was. My impression was, at that time, that it was nine cents. and I acted upon that presumption: but I am satisfied now that it was thirteen cents.

Question by chairman. Have you in your possession or power the letter from Hawkins to Houston, mentioned by you in your answer to the preceding interrogatory?

Answer. I have not the letter in my possession, but believe I can obtain it. I received the letter from General Houston.

Question by the chairman. Had you the letter from Hawkins to Houston, when you arrived in this city, and where is it now?

Answer. I had; and have given it to Mr. Houston, at his request.

Question by Mr. Bates. When did you give that letter to Houston?

Answer. I think it was on Thursday morning last, since I have been summoned to attend before the committee. I brought it with me from New York, in consequence of the summons served upon me.

Question by Mr. Bates. Did you at the same time give to him any other papers relating to this subject? If any, what papers?

Answer. The letters which I had received from him.

Question by Mr. Bates. Why did you give him the letters?

Answer. Because I did not consider myself at liberty to submit them without his consent, they being private letters.

Question by Mr. Bates. On submitting them, did he object to your laying them before the committee?

Answer. He did.

Question by Mr. Bates. Has he those letters now?

Answer. He has.

Question by Mr. Bates. From whom did you learn that the bid of Hawkins was nine cents?

Answer. I cannot tell from whom. I had a conversation with Hawkins, and I think the impression must have been derived from him that it was nine cents.

Question by Mr. Bates. Was that bid made by Hawkins, or by Houston in his name?

Answer. I understand it to be entirely Hawkins's bid.

Question by Mr. Bates. From whom did you understand it?

Answer. I never learnt any thing to the contrary, but that it was what it purported to be.

Question by Mr. Bates. That bid was assigned to you by Houston. Did you not know the amount of it?

Answer. I did not.

Question by Mr. Bates. Had you no information from Houston as to the amount of that bid?

Answer. I think I could not have had.

Question by Mr. Bates. On what terms was that bid assigned to you by Houston, and for what purpose?

Answer. There was no stipulation on the subject whatever, but for the purpose of authorizing me to make the contract, if I thought proper so to do.

Question by Mr. Bates. Was or was not General Houston to be concerned with you, if a contract had been obtained upon that bid?

Answer. The subject of this contract was first brought to my notice by Houston. He stated to me that it was of magnitude, and, if obtained on fair terms, and properly conducted, a good deal of money might be made by it. He urged me to go into the contract, or offer proposals. We had repeated conversations about his being concerned should the contract be obtained, but nothing definite was ever agreed on between us. My expectation and intention was, in case I got the contract, that he should, in some way or other, be interested with me.

Question by Mr. Bates. Was there no understanding between you and Mr. Houston upon what terms he was to be concerned with you, or what interest he was to have in it?

Answer. There was nothing definite ever agreed between us. In the proposal of the 12th April, 1830, made by me, we, with R. L. Rose, were to be equally interested.

Question by Mr. Bates. My inquiry is not whether there was any thing definite agreed between you, but whether there was any understanding as to the extent of interest he (Houston) was to take, or whether none at all?

Answer. There was an understanding between Houston and myself, but no bargain of any kind, with the exception of the proposals made on the 12th of April, 1830.

Question by Mr. Bates. Where was your interview with Houston at the time he first proposed to you to take this contract?

Answer. At his room in this city.

Question by Mr. Bates. Did you come to this city at his request, or at the request of any other person?

Answer. I did not, and did not then know Houston. I came here the 6th of January, 1830, and remained here till after the close of the session. Houston left the city on or about the first of April, 1830, for the west. and did not return afterwards, to my knowledge, in 1830.

Question by Mr. Bates. Do you know how General Houston came to apply to you?

Answer. We became acquainted, and were intimate in consequence of it: conversations led to this subject.

Question by Mr. Bates. Did he assign no reason for his application to you?

Answer. None at all. I regarded it as an act of good will on his part entirely.

Question by chairman. Is the paper marked No. 3, which you have produced to the committee, a copy of a letter which you addressed to the Secretary of War? At what time was the said letter written? and to whom was it delivered?

Answer. It is a copy of a paper addressed and forwarded to the Secretary of War; by whom sent, I do not know. It was written the next day after the passage of the Indian bill, and sent immediately. I intended to shape it to accommodate the views which I understood they entertained in relation to the manner of letting the contract.

Committee adjourned to meet to-morrow, at 9 o'clock A. M.

TUESDAY MORNING, June 12, 1832.

Committee met, in pursuance to adjournment. Present: Mr. Stanbery, Mr. Bates, Mr. Dayton, Mr. Wayne, Mr. Hubbard, Mr. Muhlenberg.



*General Van Fussen's testimony continued.*

Question by the chairman. Have you obtained from Mr. Houston the letters and papers which you delivered to him? and have you them now in your possession?

Answer. I have delivered to Mr. Wayne, of this committee, a letter from Mr. Houston, which, I suppose, contains the letters and papers in question.

Question by the chairman. Had you no other papers in your power or possession relative to the attempt to obtain a contract for supplying emigrating Indians with rations, at the time the subpoena was served on you, other than the papers you have already given to the committee, and the three letters from Mr. Houston, now in the possession of Mr. Wayne?

Answer. I had a correspondence with Major H. S. Handy, of this city, on the subject of the contract of supplying rations to the emigrating Indians. On leaving the city, I had engaged him to attend to it for me. I had also in my possession the letter directed to Houston by Hawkins, directing him (Houston) to assign his bid to me; on the back of which letter was the original assignment of Houston to me of Hawkins's bid; (handing to the chairman a paper marked No. 5, witness said,) this is a copy of said assignment. I had no other papers.

Question by the chairman. Did you bring with you the letter from Hawkins to Houston? and what have you done with it, and the assignment?

Answer. I brought it with me, and delivered it to Houston since my arrival in this city.

Question by chairman. Have you applied to Mr. Houston for the letter of Hawkins to Houston, since the adjournment of the committee yesterday?

Answer. I have not.

Question by the chairman. When did you obtain the paper marked No. 5? and from whom did you have it?

Answer. I obtained it this morning from General Houston, and it is in his handwriting, having asked him for a copy of the assignment of Hawkins's bid.

Additional answer to the interrogatory by Mr. Bates yesterday. No. I gave the letters, on my own mere motion, to Mr. Houston. He requested them left with him; and, upon his assurance that they should be preserved, and at my disposal, I did so.

Question by Mr. Hubbard. Did you make any proposals to the War Department, agreeably to the instructions contained in the letter of General Houston?

Answer. I did make a proposal; and the paper submitted yesterday, marked No. 2, is a copy of it.

Question by Mr. Hubbard. When did you first communicate to General Houston that you had made said proposal?

Answer. I think I did not communicate to him what I had done under the authority of the letter written to me from Baltimore, until I saw him since my last arrival in this city.

Question by Mr. Hubbard. Had he any information of that fact, to your knowledge, before you communicated it to him, as stated in your answer to the preceding question?

Answer. I do not know that he had.

Question by Mr. Hubbard. Had you any conversation with the President of the United States, in relation to the subject of the contract? If yea, state what passed.

Answer. I had conversation with him. As preliminary to the conversation with the President, I will state, that, in conversation with Major Eaton, he informed me that it was desirable to let the contract at a rate that would ensure its fulfilment without a loss to the contractor. For the purpose of obtaining correct information as to what it was worth per ration, he directed me to call on General George Gibson, of the Commissary Department. He further stated, that if, in case it should be let at so low a rate that it could not be fulfilled without loss to the contractor, it would subject the Government to inconvenience, and result in an injury to the business of the emigration. He then further informed me that no contract would be made until the President had been consulted. I called on the President, and informed him of the views entertained by Major Eaton; upon which, he remarked, that he knew of no other rule by which the Government could be governed in giving a contract, than by giving to the lowest bidder, provided the required security was offered. He further remarked, that, although they might think the offers too low, they could not undertake to judge for competitors for the contract, if they were responsible persons. It was in consequence of this conversation that I put in my last bid or proposal.

Committee adjourned to meet again to-morrow, at 9 o'clock A. M.

WEDNESDAY MORNING, JUNE 13, 1832.

The committee met at 9 o'clock A. M. Present: Mr. Stanbery, Mr. Bates, Mr. Drayton, Mr. Kerr, Mr. Hubbard, Mr. Wayne.

General Van Fossen appeared, and, being indisposed, was, by the committee, excused from attendance this day.

*Luther Blake was called as a witness—was sworn.*

Question 1. By chairman. Did you offer a proposal for supplying emigrating Indians with rations in 1830?

Answer. I did. I offered to furnish at eight cents, in a letter addressed to the Secretary of War through the post office; and I did it in consequence of an advertisement which I saw in the newspapers, signed by Col McKenney.

Question 2. When did you put in your proposals?

Answer. The day before the expiration of the time named in the advertisement for receiving proposals

Question 3. Why did you delay in putting in your proposals to so late a day?

Answer. Under the impression that the time would be extended.

Question 4. Had you any conversation on the subject of your bid with Samuel Houston? or had you any conversation with him on the subject of supplying emigrating Indians with rations? State all that passed between you on the subject.

To the preceding interrogatory Mr. Hubbard made objections, which follow: The answer to this interrogatory can be used as evidence to impeach the testimony of Samuel Houston; although Houston is a competent witness, he has not yet been sworn in the trial; and any conversation which passed between this witness and Houston, ought not to be offered as evidence for any such object, until after Houston has been examined as a witness. Secondly, the answer to this interrogatory can be used as evidence to affect other persons; and if intended to bear upon those public officers who are referred to in the commission to this committee, the ques-

tion should not be put, and no answer should be received, unless the conversation was had in the presence of one or both of said public officers: that under this commission the committee have no legal authority whatever to inquire into any matters or conversations which do not go to connect with the alleged fraud the late Secretary of War, or the President of the United States. That this committee have no power or authority to inquire into any conversation which might go to show the motives or conduct of any other persons, without showing a connexion between said person and the said officers of the Government.

The Chairman stated that one part of the resolution of the House of Representatives being to inquire "whether said *Houston* made a fraudulent attempt to obtain said contract," he proposed this question in reference to *that* branch of the subject.

Answer to the 4th question. The day, or the day after the bids were opened, or ought to have been opened, I met General Houston at the War Office. I was then about going to Georgetown; and in coming out of the office, he asked me which way I was going? I told him. He said if I would take a hack he would go with me. I took a hack. On our way to Georgetown, he asked me if I had put a bid in; and asked me if I knew the others who had put in bids, (naming them); Mr. Prentiss, Butler, and Thomas Crowell. I told him I knew Prentiss and Thomas Crowell; Prentiss had that day told me what he had put in for. He then proposed to me to withdraw my own bid, and purchase the others; that himself and myself, and his friend, could get it at some higher price, and that a great fortune could be made. He did, for some three or four mornings afterwards, ask me if I had seen those persons, on each morning. I told him that I had seen Prentiss. The last morning he spoke to me, I told him it was necessary to have some understanding between us before I purchased out the others, or withdrew my own bid. His reply was, O yes, that can be done. Houston and myself had no further conversation on the subject. On the 25th of March, I was ordered by the Secretary of War to Arkansas, upon duty, being then Indian agent.

Question 5th. Did Mr. Houston know the terms of your bid, and the terms of the bids of the other persons?

Answer. He asked me what my bid was, and named the amount of others: he named Mr. Butler's, and I think others.

Question 6th. Had you applied to know, at the War Office, to whom the contract was given? and what answer did you receive?

Answer. I applied to the Indian Department, who referred me to the Secretary of War, and I made several attempts to see him, but could not.

Question 7. Did you apply at the War Office or Indian Department to know what the other bids were?

Answer. I did not.

Question 8. Have you resided in Arkansas; and are you acquainted with the country to which it was proposed to remove the southern Indians?

Answer. I have resided on the Arkansas river at one time twelve months, having been during that time in charge of the Creek Indians. I also explored the country at another time, from the river Kansas down to the Arkansas and Canadian, in company with the delegations of Creeks, Choctaws, and Chickasaw Indians, to show them the country—acting under the directions of the War Department.

Question 9. Are you acquainted with the business of furnishing emigrating Indians with provisions; and what, in your opinion, would have been, or would now be the cost per ration, to supply the Indians according to the advertisement under which your proposals were offered?

Answer. I am acquainted with the business of supplying emigrating Indians with provisions, having let contracts, and seen to the issuing of provisions to the Creek Indians who emigrated in 1829. The cost of beef was \$2 88½ per cwt.; corn 112 cents the bushel; and salt 75 cents the bushel. Corn now can be furnished at from 62½ cents to 75, and beef at two dollars per hundred pounds—is furnished at that by the contractors, who make a handsome profit by it. My calculation was, at the time I put in my bid, that I could furnish all the Indians with rations at five and a half cents, and not to exceed six cents per ration.

Question 10. If you had obtained a contract for six and one-fourth cents per ration under the advertisement, are you of the opinion that you would have made money by it?

Answer. I do not think that I should have lost any thing by it.

Question 11. What induced you to offer a bid for the contract?

Answer. For fear that it would be let out at too high a price, and I was disposed to take it at eight cents myself, that having been my bid.

Question 12. Why did you fear that it would be let at too high a price?

Answer. The time was not sufficient for those in the western country, (Missouri and Arkansas, from which the Indians were mostly subsisted, and knew its cost,) to receive the proposals, and put in bids. At the same time, I supposed that persons in the vicinity thought it would be as expensive to feed the Indians as it would be to subsist the army.

Question 1st, by Mr. Wayne. Where were you when you received the subpoena from this committee?

Answer. At Fort Mitchell, on the Chattahoochie.

Question 2d, by Mr. Wayne. Did you ever have a conversation with the late Secretary of War, either before or after the expiration of the proposals for bids, from which you learned or could infer that it was his intention to give to Houston a contract?

Answer. I never had any conversation with him on the subject, nor was he ever present at any of the conversations I have had with Houston.

Question 3. Did you ever have any conversation with the President of the United States on the subject?

Answer. I never did, nor was he ever present at any conversation I ever had with Houston.

Question 4. Did you communicate to the Secretary of War, or to any other officer of the Government, the information which you acquired whilst in Government's service, of what would be the cost of rations for the emigrating Indians?

Answer. I informed them of what I had let a contract at for supplying the Creeks who had emigrated, with beef and corn, which was in substance what I before stated.

Question 5. Was not the contract of which you speak, for supplying those Indians who were already in the territory, and who had emigrated the year before?

Answer. The contract of which I speak was in the same year in which the Indians emigrated—the beef contracted for, was three months after the arrival of the Indians, and the corn before.

Question 6. The supplies of the contract of which you now speak—were they not to have been obtained in the immediate neighborhood in which the Indians were?

Answer. The corn was; the beef was to be driven three hundred miles on foot from Missouri.

Question 7. Has not reflection and subsequent information convinced you that you could not have taken the Creek Indians from their nation to the Arkansas, and furnish them on the way with proper rations, without having sustained a loss, if the contract had been given to you at eight cents?

Answer. No. I think I could furnish them at that price, but I did not understand from the advertisement that they were to be subsisted east of the Mississippi.

Question 8. Was the information which you gave the Secretary of War in writing or verbally given?

Answer. In writing, and in my returns.

Mr. Wayne moved that the Chairman call upon the Secretary of War for Luther Blake's letter, giving information of the cost of supplying beef and corn to the Creek Indians who emigrated in 1829. Agreed.

Adjourned to meet to meet to morrow at nine o'clock, A. M.

THURSDAY MORNING, June 14, 1832, 9 o'clock A. M.

Committee met. Present: Mr. Stanbery, Mr. Kerr, Mr. Hubbard, Mr. Wayne, Mr. Drayton.

General Van Fossen being called again:

Question by the Chairman. Are the two papers now shown to you original letters from Samuel Houston to you?

Answer. They are.

Question 1, by Mr. Kerr. Are the papers marked A and B, now exhibited to you, true and exact copies of the two original letters of which you have just spoken, with the exceptions certified by Messrs Wayne and Kerr, the sub committee?

Answer. I believe they are, as I have compared them.

Question 2, by Mr. Kerr. Is the paper marked C a true copy of an original letter from you to General Houston?

Answer. it is a copy of an original letter sent by me to General Houston, which I made and retained at the time of sending it.

Question by Mr. Hubbard. In your conversation with the President or the late Secretary of War, did they, or either of them, at any time, express a wish to you that General Houston might secure the contract, or be concerned in it?

They never did.

Question 1, by Chairman. At what time did these conversations with the President and Secretary of War take place?

Answer. I cannot state particularly; they were all, however, subsequent to the expiration of the time for bids to be put in under the notice.

Question 2, by Chairman. Did the President or Major Eaton know that you were connected in this business with General Houston?

Answer. The paper of the 12th of April, 1830, which I have submitted to the committee, distinctly states that connexion. I also stated to Major Eaton in conversation that I intended, in any event, to interest General Houston in the contract if I obtained it. It is my belief that I also stated

to the President that I intended to interest Houston in the contract if I got it, but, of this, I am not now certain.

Question 1, by Mr. Hubbard. Did you, in any conversation had with Major Eaton, prior to April 12, 1830, intimate to him that you intended to interest General Houston in the contract?

Answer. I cannot answer positively, but I think, however, that I did.

Question 2, by Mr. Hubbard. Was this intimation made to Major Eaton by reason of any authority derived from General Houston? And was it so expressed to Major Eaton at that time?

Answer. It was made in pursuance of the general intention on my part, and in consequence of what I understood to be a willingness on the part of General Houston; and I supposed the knowledge of that fact would operate favorably with the Secretary of War toward my obtaining the contract.

Messrs. Wayne and Kerr, who were appointed a sub-committee to examine certain letters written by Samuel Houston to John Van Fossen, and to report such parts of said letters as may relate to the subject of the contract in question for supplying rations to emigrating Indians, made the following report:

That they had examined said letters, and have made true and exact copies of all such parts as relate to the subject of this investigation, which were presented to the committee, marked A and B; also, a copy of a letter from John Van Fossen to Samuel Houston, dated July 4, 1830, which is marked C.

On motion of Mr. Wayne, it was voted by the committee that a copy of the letter from General Houston addressed to Messrs. Wayne and Kerr, dated June 12, 1832, enclosing the letters marked A, B, and C, should be made a matter of record, and appear in the proceedings of this committee.

Mr. Bates objects to inserting General Houston's letter in the proceedings of the committee, for the following reasons:

1st. Because it is a communication uncalled for *by the committee* or the *occasion*, and is unsustained in some parts of it by any thing the committee have done or proposed.

2d. Because if it is to have any effect upon the case, the facts stated in the letter ought, in the usual way, to be *verified* by oath.

A.

BALTIMORE, 4th April, 1830.

MY DEAR SIR: I have just seen Mr. Rose on the subject of the contract for Indian rations, and find that he is anxious to engage in the business. When I advised you to put in your *bid*, I did expect to be equally concerned with you in the business. What number of *bids* were actually put in I do not know: Blake told me that he would withdraw his bid. If these things have been done, ascertain if these are not less than twelve or thirteen cents. If all others are withdrawn under twelve cents, and you can get the contract at twelve, it will be *safe* business. It may be that you cannot get it at thirteen! If so, take it at twelve. I do not know what the conversation was between you and Mr. Blake, or that you had any on the subject. To Mr. Prentiss, I presume there was nothing said, as Blake told me that he had got P. to put in for him; so, if he withdrew one, I suppose both were withdrawn.

To act in good faith with all parties, and to get just as much from Government as will indemnify us for the use of the capital employed, and the



labor bestowed, is what I wish; and further, to do ample justice to the Indians in giving to them the full ration, and of good quality, should we get the contract, must be regarded as a "sine qua non" with us.

If Mr. Rose and you can obtain the contract upon the foregoing premises, I will be very happy to unite with you jointly, and will furnish the capital necessary for the next six or nine months. So if you get it, it will be necessary for one of you to be out before *fall*! The other may take his station about Cincinnati, and watch the fall market. All this in the event that emigration goes on with the Indians. If needful, you are hereby authorized to sign my name to the bond, and bind me, equally with yourself and Mr. Rose, for the performance of the contract. \* \* \* \*

\* \* \* \* May God ever bless you. Write to me at Nashville within one week, or to Cantonment Gibson, A., after that time.

Ever thine, truly,

SAM. HOUSTON.

Gen. JNO. VAN FOSSEN.

Endorsed and directed thus: "To Gen. Jno. Van Fossen, Washington City, C. District. Mr. Rose."

We do hereby certify that the foregoing is a true and exact copy of a letter, with the endorsement and direction thereon, which was delivered to us, enclosed in a communication in writing from Samuel Houston, excepting certain parts of the said letter omitted in the said copy at the places marked with asterisks, which we considered as wholly irrelevant to the subject of any contract whatever for supplying rations for emigrating Indians: and we have marked this copy A.

JAMES M. WAYNE.  
JOHN LEEDS KERR.

(B.)

WIGWAM, NEOSHO TERRITORY, *August 22, 1830.*

MY DEAR GENERAL: Your favors have just come to hand, and I thank you very truly for your good feelings, and shall always reciprocate the warmest and proudest feelings of affectionate friendship. The matters to which you allude (the contract,) are all settled. General Gibson, Commissary General of Purchases, will take upon himself to obtain the supplies by contract, and who the *bidders* will be, God only knows. The best plan will be for you to be at Washington, and attend to the matter. The Secretary of War and myself may be friendly, but I do not think it possible. He does not please me in some of his appointments, and I will not fail to attack, whenever fit, any man on earth who acts improperly. I am just about to make a grand purchase of Salt Springs, and trust in God that I will be in a way to "do well." My fortune must not *wane*, it must *full*, if I live and meet with my deserts (in my humble opinion.) \* \* \* \*

\* \* \* \* Can't you take a look at Arkansas this fall? and see how we come on? I would be rejoiced to see you my dear Van! \* \* \* \*

\* \* \* \* You will perhaps see in some of the northern papers, "chapters" signed "Tah-lou-tusky," and every fact contained you may rely upon as true! The author you may guess at. They are written in great haste,

I will thank you to write to me often, and tell me the news. To hear of your happiness and prosperity will always afford me great pleasure!

How does "Old Hickory" stand with you, and what is the political news?  
Ever thine,

HOUSTON.

General JOHN VAN FOSSEN.

(The foregoing letter is directed and endorsed thus:) "Cantonment Gibson, 23d August." "General John Van Fossen, Hemlock Lake, New York, Mail."

We, do hereby certify, that the foregoing is a true and exact copy of a letter, with the endorsement thereon, which was delivered to us, enclosed in a communication in writing from Samuel Houston, excepting certain parts of the same letter omitted in said copy at the places marked with asterisks, which we considered as wholly irrelevant to the subject of any contract whatever for the supplying rations for the emigrating Indians. And we have marked this copy B.

JAMES M. WAYNE.  
JOHN LEEDS KERR.

(C.)

LIVONIA, LIVINGSTON COUNTY, NEW YORK, *July 4, 1830.*

MY DEAR HOUSTON: When I wrote to you from Philadelphia on my way home, I intended writing again in the course of a week; but I was taken sick on the road, and was barely able to reach port, and have been flat on my back almost ever since. My condition is fast improving, and I hope soon to enjoy my usual state of health.

I am determined to have the contract for supplying the emigrating Indians, even if I bid much lower than you proposed. By the time this reaches you, the President will probably be amongst the Indians, and will be able to determine before the contract is made, very near the number that will emigrate immediately, and the probable course that will be pursued by the balance; and in case the location of the several tribes should be fixed on, it will be in the power of the Secretary of War to determine, before the contract is made, the exact points at which the rations must be delivered. These facts being known, a much closer estimate can be made of the cost; and if the contractor is allowed in lieu of the rations to deliver the Indians cattle on the foot, or other articles that they might need, and would probably prefer, at a fair rate, it would be much to his advantage, and probably beneficial to the Indians, as they would be likely to get the articles they needed lower than they could purchase of traders. I think there would be no objection to this, for, I take it, the offer of a year's ration is made to induce Indians to emigrate, rather than to enable them to live, for I conclude they could be at no loss to furnish themselves with meat in the country to which they are going, and would, therefore, prefer something else in place of that part of the rations.

But, of all these matters, you can judge much better than myself. I submit these views that, in case you should write the Secretary of War, you may make from them such suggestions as your judgment may direct.

In my letter from Philadelphia, I requested you to write me as to the cost of provisions, &c.; permit me here to renew that request. And if you can

learn who are bidders, and the amount of their bids, it will be of importance to me to know it. It has been whispered about that this job of supplying the Indians was intended for some favorite of the War Department; but on what authority I do not know. I believe there is no man in the United States that has a right to expect more from the friendship of the Secretary of War than yourself, though I hardly believe that that friendship would induce the old General to forego the interests of the nation to the amount of one shilling. All I want or wish, is, that we may get the contract at a fair rate; if it can be got so, with the blessing of God, good calculations, and a d——d deal of hard toil, a handsome fortune may be made of it. Let me know how you found matters at Nashville. The world is yet full of speculations on the causes of your withdrawal from what they call civilized society; and the report of the Sumner county committee is just going the rounds of our country papers.

I have not written to Washington since I left there, nor have I heard from any of my friends there since my return; but as I am now able to use my quill, I intend to rally some of them before I go to bed. Let me hear how the world wags with you at Neosho on receipt of this—and may God bless you a thousand years.

Your sincere friend, and humble servant,

JOHN VAN FOSSEN.

*Copy of a letter from Sam. Houston to Messrs. Wayne and Kerr, dated*

WASHINGTON CITY, 12th June, 1832.

GENTLEMEN: Having learned on last evening that you were a sub-committee appointed for the purpose of examining private letters which passed from me to General Van Fossen since the 4th of April, 1830, and using the contents of them, so far as they relate to the subject of investigation by the general committee, I have no hesitation in submitting to your examination all the letters written to him since that time; and give you leave to use any and all parts of them which have the least relevancy to the parties or persons connected with the whole matter.

The letters have all been placed in my possession by General Van Fossen, and are fully within my control. They are *private personal* property, to which the committee have no claim, and, however inquisitorial the course of proceedings may be, I am determined not to withhold them, although my absolute right to do so must be admitted.

The letter dated 4th of April, 1830, was written at the pressing solicitation of a gentleman who called on me at Baltimore, after my departure from this place for the western country.

With high respect,

I am, your most obedient servant,

SAM. HOUSTON.

HON. MR. WAYNE, HON. MR. KERR,  
*Members of Congress.*

*Mr. Blake's testimony continued.*

Question 1st, by Mr. Wayne. Did you not put in your bid under the proposals for supplying the emigrating Indians with rations, at the instance of John and Thomas Crowell, or one of them? And was not both or either of them to be interested with you in it?

Answer. No one was concerned with me whatever. John Crowell did not know that I had put in until after the time was out; nor did I know that Thomas Crowell had put in till after the time was out. John Crowell informed me after I told him I had put in, that he thought it was too low. My reply was, I knew what it would cost, and as such, I had put in, and believed that at eight cents, I could clear two cents on a ration.

Question 2d. Did you apply to any other person to be interested with you, and who?

Answer. I did not apply to any one. After I had put in, and it was known, others applied to me.

Question 3d. What was the amount per head, including every expense, for the transportation of the party of Indians with which you went?

Answer. The expense of the party was about twenty-one dollars per head; but there was an expense of about seven thousand dollars incurred in camp before we took charge of them—deducting that sum, it would leave the expense per head about fifteen dollars.

Question 4th. At what season did you start with the Indians, and what time did it take to travel with them from the camp where they were to the place of their destination?

Answer. We started in June, from a camp near Fort Gaines, in Georgia. The party that travelled the whole distance by land arrived in less than three months. The water party, which were longer, arrived also in less than three months. The distance from where we started, by the way we went, to the place of destination, was about nine hundred miles, and the place of destination was on the Verdigris river.

Question 1st, by Chairman. Did you tell Mr. Houston that you would withdraw your bid?

Answer. I did not.

Question 2d. Did you tell Mr. Houston that you had got Prentiss to put in his bid for you?

Answer. I did not.

Question 3d. Did you resign your office of Indian agent, and for what purpose? And have you a copy of your letter to the Secretary of War resigning your office?

Answer. I did resign my office. I have a copy of the letter. I resigned for the purpose of obtaining the contract, understanding that holding that office would be an objection. My letter resigning my office was dated May 17, 1830. (Here the witness handed the committee the letter, which is as follows:)

CREEK AGENCY, *May 17, 1830.*

SIR: I put in proposals to furnish rations to the Indians according to your advertisement, which expired on the 20th of March last; for this and other reasons, I think proper to resign my office, which I hope you will permit me to do. I, sir, have the pleasure to inform you that this nation is improving fast in agriculture and morality. If my proposals are the lowest, I am ready to comply, by giving bonds.

I have the honor to be,

Your obedient servant,

LUTHER BLAKE,

*Acting Agent, Creek nation.*

The Hon. JOHN H. EATON,  
*Secretary of War.*

N. B. I have notified Colonel Crowell of my intention to resign.

Question by Mr. Hubbard. Was you interested in any bid put in by Mr. Prentiss? and have you not before stated that the bid put in by Prentiss was for your benefit, or on your account, or under your control, or words to that effect?

Answer. I was not interested in Mr. Prentiss's bid, and have never stated that the bid put in by Prentiss was for my benefit, or on my account, or under my control, to the best of my knowledge.

*Mr. William Prentiss called, and sworn.*

Question 1. By the chairman. Did you, in 1830, make a bid for supplying emigrating Indians, under the notice from the War Department, signed by Thomas L. McKenney, and dated February 18, 1830?

Answer. I did make a bid, offering to take the contract at nine cents per ration.

Question 2. Had you any conversation with the late Secretary of War, John H. Eaton, on the subject of a proposed contract for supplying emigrating Indians with rations, or on the subject of your bid? If yea, state what passed between you.

Answer. I had a conversation with the late Secretary of War upon that subject. My first visit to that department was owing to a reference there, by Col. McKenney, whom I called on, in the first instance, to know whether the proposals had been acted upon. The Secretary of War not being in, his chief clerk, Dr. Randolph, informed me that I would find the period designated in the public papers, that the Secretary intended acting upon them. After which, I addressed a letter to him on the subject, dated March 24, 1830.

(The witness then submitted to the committee a copy of that letter, which is as follows:)

WASHINGTON CITY, *March 24, 1830.*

*To the Secretary of War:*

SIR: I called on your chief clerk yesterday for information respecting the contract for supplying the emigrating Indians with rations, and was informed that I would find in the public prints the period designated that you intended acting upon the proposals that you had received.

I examined the papers of this morning, and find nothing on the subject. You will confer a favor by informing me whether you have acted upon the proposals you have received, or what course you intend pursuing.

I should not be thus inquisitive, had I not handed in a proposal, and feel some anxiety respecting the result.

Yours, respectfully,

WILLIAM PRENTISS.

On the 25th of March, I received a letter in reply from the chief clerk, Dr. Randolph, (a copy of which witness also handed to the committee, which is as follows:)

DEPARTMENT OF WAR, *March 25, 1830.*

SIR: The Secretary of War directs me to say, that the proposals for furnishing rations to the emigrating Creeks and Cherokees are not yet acted on, and that you will be advised of the result as soon as a decision is made.

Yours, very respectfully,

P. G. RANDOLPH, *Chief Clerk.*

WM. PRENTISS, Esq.

A few days after I received the letter of the 25th of March, I was called on by Gen. Van Fossen, whom I supposed to be the partner of Gen. Houston, who told me that the Secretary of War had informed him that he heard I was concerned with Luther Blake in my proposals, and added, that the Secretary had stated, that, as Mr. Blake was a sub-agent, it would render the bid illegal. As no such connexion existed between Mr. Blake and myself, and being desirous of removing every objection, I addressed a letter to the Secretary of War, dated April 14, 1830, (a copy of which letter the witness handed to the committee, and which is as follows:)

*To the honorable Secretary of War:*

SIR: At an interview with Gen. Van Fossen, this morning, I was informed that you were under the impression that I was concerned with Luther Blake in the proposals that I put in for furnishing emigrating Indians with rations. I take this occasion to inform you, that, if you have received such information, it is incorrect. I am not, nor shall not, either directly or indirectly, be interested with him in any way whatever.

Respectfully, your obedient servant,

WILLIAM PRENTISS.

*Washington City, April 14, 1830.*

On the 15th day of April, I received an answer from the Secretary of War, (a copy of which letter the witness submitted to the committee, and which is as follows:)

WAR OFFICE.

SIR: Your note of yesterday is received. I have no recollection of saying to General Van Fossen that you and Mr. Blake were at all concerned or connected in your bids. The bids do not show it; and I am quite sure nobody was ever so informed; but, any rate, it would make no difference to the department who should associate themselves together in contracts to be made.

Very respectfully,

JOHN H. EATON.

*April 15, 1830.*

After the receipt of this letter, General Van Fossen repeated what he had previously stated, and re-asserted, that, notwithstanding the denial of the Secretary, he had told him what I had mentioned in relation to a connexion with Mr. Blake and myself. General Van Fossen then informed me, for the first time, that he had the control of another bid, which was in the name of Benj. Hawkins, at the same price which I had offered, nine cents. He then offered to put Hawkins's bid against mine, and to buy or sell with me—to give or take any amount I might mention, which I declined, and refused to enter into a compromise or bargain with him, or to have any thing to do with him, in any shape whatever, in the business. I then felt convinced that there was something wrong, and that an effort was to be made, or had been made, to pass over my bid, for the purpose of giving it to Houston and Van Fossen.

I knew Benj. Hawkins, and he had informed me that his offer was either twelve or thirteen cents. Hawkins had some conversation with me on the subject, and stated that it was folly to remain here, as he was aware that



there were several bids under his; that the War Department owed him money; that, if he could get it, he would leave immediately.

I asked him if they would accept his draft. He informed me the Indian agent would, Colonel Crowell, for \$150. Being apprehensive that this man might be handled in some way, and desirous to remove all difficulties, I gave him the money for the draft, which, after it became due, Colonel Crowell paid.

I knew that he had left the city the latter part of March, and believed that he made no such bid as General Van Fossen represented. I heard of the bids of Houston and Van Fossen.

Immediately after the last conversation with General Van Fossen, I went to the War Department; but, previous to calling on the Secretary, I called at the Commissary General's office, to inquire if it was not usual, after bids had been received and examined, to permit the bidders to see the several proposals that were offered for contracts. I was there informed, that, after the expiration of the time of receiving proposals, the substance of them was entered in a book kept for the purpose, and that the persons who had made proposals were permitted to see it.

As this was the usage of the department, I felt that there was no impropriety in my making the request in the case in which I was interested. I, therefore, called at the office of the Secretary of War, and inquired of him if he had yet acted on the proposals. He stated that he had not, and observed that it was a very important contract, and of great consequence and much responsibility; that the department did not wish any one to lose by a contract with the Government; that the supplies for the Indians that had emigrated, cost the Government, from Major Lewis's report, eight cents per ration; that, in this case, there would be an immense number, which would make it more difficult to be complied with; that, when the whole body arrived upon their lands, there would not be a stalk of corn in that country, and that beef would be extremely difficult to procure; that he could not act finally on the business, without consulting the President.

I then requested permission to see the bids that had been offered, and observed that I had reason to believe this permission had been extended to others, from the overtures that had been made to me.

He replied that he could not permit me to see them; but that he could inform me that my bid was the lowest bid but one. I asked him if that was not the bid of a sub-agent, and an illegal bid? He answered that it was, and that, after he had consulted with the President, he would let me know the course he should adopt. On the 23d of April, 1830, I addressed him a letter. (The witness here handed the committee a copy of said letter, which is as follows:)

WASHINGTON CITY, *April 23, 1830.*

*To the Hon. Secretary of War:*

SIR: Some time having elapsed since I had the honor of an interview with you respecting the contract for supplying the emigrating Indians with rations, and not having heard any thing from you on the subject, I hope you will not consider it trespassing too much on your time, to request that you would have the goodness to inform me the result of your interview with the President.

When you reflect on the importance of an arrangement that business of so much importance requires to enable an individual to put in proposals for,

supplying such an extensive amount of provisions, you may judge of the time and anxiety I have appropriated to this business. And, as more than thirty days have elapsed since (agreeable to usage) we should have received a decision from you, you may imagine to what extent this unusual delay is calculated to weary the patience of an individual who is well assured that he is entitled to the contract, by law, equity, and usage.

I have no right to expect favors at your hands, but have the right of all freemen to contend for my just due: that is, all I ask, all I wish.

You will confer a favor by giving me what information you can on this business, as early as may suit your convenience.

Yours, respectfully,

WILLIAM PRENTISS.

And, on the same day, I received a reply, (a copy of which the witness handed the committee, which is as follows:)

WAR DEPARTMENT, 23d April, 1830.

SIR: I have received your letter of to-day, and am at a loss to conceive how you have inferred that the contract to be made for supplies to the Indians is yours, "by law, equity, and usage." Your bid does not give it to you, for it is not the lowest bid. But if it were the lowest, it would not impose an obligation to enter into a contract upon it. Proposals were asked for through the public papers, but that circumstance did not take from the department the right of exercising a proper discretion, and to determine whether to contract or not. If a law had existed requiring proposals, and for the lowest offered to be received, an obligation would have been imposed in favor of the person offering the lowest bid; but this is not the case. It was a course adopted apart from any legislative direction; and to act or not is matter of discretion, not of obligation. Since the proposals were submitted, and recently, circumstances have arisen which impose the necessity of advertising for new bids, upon certain and specified conditions, or else to confide the business to the Commissariat Department: one of these courses will be adopted.

Very respectfully,

JOHN H. EATON.

The witness then submitted a copy of a letter dated Nov 1, 1830, which was addressed to the Secretary of War, and is as follows:

WASHINGTON CITY, November 1, 1830.

SIR: Since the receipt of your letter of April 23d, I have been anxiously waiting to hear what course you have adopted respecting the proposals you received previous to the 20th last March, for supplying the emigrating Indians with rations; but, owing to circumstances not within my knowledge, I have not heard from you on the subject. I presume your inattention to this important business is to be attributed to the arduous duties you have been under the necessity of attending abroad.

Having perceived your arrival announced in this morning's paper, I avail myself of the earliest opportunity of requesting information on this business. You will therefore confer a favor by furnishing me with an answer as early as may suit your convenience.

Respectfully, yours, &c.

WILLIAM PRENTISS.

To the Hon. JOHN H. EATON, Sec'y of War.

On the 2d day of November, I received, in reply, the following:

DEPARTMENT OF WAR, *November 1, 1830.*

SIR: I have just received your letter of this date, asking what determination I had come to as to supplies to be furnished the emigrating Indians. There are no Indians now emigrating. Whether any will, must depend upon the ratification, by the Senate, of treaties which will be submitted for their consideration at the next session of Congress. Until these shall be acted on, no mode will be agreed upon, or considered of, as to their removal and support.

Very respectfully,

JOHN H. EATON.

The committee adjourned, to meet to-morrow, at 9 o'clock A. M.

FRIDAY, June 15, 1832.

The committee met pursuant to adjournment. Present: Mr. Stanbery, Mr. Drayton, Mr. Wayne, Mr. Bates, Mr. Kerr, Mr. Hubbard.

It was moved, by Mr. Wayne, that the chairman request the Secretary of War to furnish an account, in detail, of the expenses incurred in transporting the party of Creek Indians to the Arkansas in 1829, which Luther Blake accompanied as Government agent, and the expense of maintaining them one year after their arrival; and that he also be requested to furnish an account of the number of Indians composing that party. Agreed.

*Dr. P. G. Randolph called, and sworn.*

Question 1, by Mr. Hubbard. Was you chief clerk in the War Office in February and March, 1830?

Answer. I was.

Question 2. Did you receive from any person any bids for the supplying emigrating Indians with rations, agreeably to an advertisement issued from the Indian Department in February, 1830?

Answer. There was a variety of bids received at the War Department, in accordance with the advertisement by the Secretary of War. They were placed in my hands, by the Secretary, for safe keeping, as chief clerk of the War Department. They came in the usual form of letters addressed to the Secretary of War; and transmitted to me by the Secretary, to be placed upon the files of the department, and I placed them upon the files of that department.

Question 3. Do you recollect of receiving a bid in the name of Ben. Hawkins? If you did receive such a bid, what disposition did you make of it?

Answer. I think I did; the name is strongly impressed on my mind.

Question 4. Was there any bid presented after the expiration of the thirty days named in the advertisement? If so, what disposition was made of any such bid?

Answer. I think there were some bids received subsequently to the period of the expiration of the time, and were disposed of, in the usual manner, by being placed upon the files.

Question 5. Had you any conversation with the late Secretary of War, John H. Eaton, in relation to these proposals or bids? If you had, state that conversation?

Answer. I had no conversation with him at all on the subject.

Question 6. Do you know why a contract was not made, or entered into, on the part of the Government, in pursuance of the advertisement and proposals? If you do, state the particular facts which are within your knowledge?

Answer. I do not know the reason.

Question 7. Do you know of any attempt on the part of Major Eaton to give this contract to Samuel Houston, or to any person with whom Samuel Houston was supposed to be concerned? If yea, state the particular facts within your knowledge.

Answer. I know nothing of the kind.

Question 8. Do you know that Samuel Houston made any bid himself, or was interested or concerned in any bid which was made by any other person?

Answer. I do not. I saw no bid in his name, and I do not know that he was concerned in any bid.

Question 9. Did you have, about that time, any conversation with the President of the United States in relation to this subject? If you did, you will state when that conversation was had, and the purport of it.

Answer. I had no conversation with the President upon the subject at all.

Question 1, by chairman. Were all the proposals opened by you, or by the Secretary of War?

Answer. I received them from the Secretary. The seals were broken when I received them.

Question by Mr. Kerr. Were or were not some of the proposals placed in your hands by the head of the Indian bureau?

Answer. Perhaps some of these proposals may have reached my hands through Colonel McKenney.

Question 1, by chairman. Do you know whether the bid of Benjamin Hawkins has ever been withdrawn from the files of the department? or of any application made for it?

Answer. I do not.

Question 2. Do you recollect the names of the individuals who made the bids for the contract? and, if yea, state the names you recollect.

Answer. I remember the names of J. K. Smith, John Shackford, Jesse Morrison, Oliver Newbury, John Van Fossen, D. Butler, jr., William Cox, Thomas Crowell, B. S. Chambers, William Prentiss, and Luther Blake.

Question by Mr. Kerr. Do you not now recollect these names in consequence of your memory being refreshed by now seeing the copies of their proposals? and may not other proposals have been sent in, which are now forgotten by you?

Answer. My memory of course is refreshed upon the subject by seeing these papers. I do not recollect any others; but there may have been.

Committee adjourned, to meet again on Monday, June 18, 1832.

MONDAY, June 18, 1832.

The committee met. Present: Mr. Stanbery, Mr. Wayne, Mr. Drayton, Mr. Kerr, Mr. Hubbard, Mr. Bates.

*John W. Flowers called as a witness, and was sworn, subpoenaed by Mr. Houston.*

Question by chairman. What is now, and what has been, the price of beef, corn, and salt, for the last three years, at Cantonment Gibson?

Answer. Beef has been furnished at different prices, from two, two and a half, to three cents. Corn has been furnished at from forty cents to one dollar per bushel, and salt at two dollars per bushel.

Question by Mr. Hubbard. How long have you resided in Arkansas? and what has been the usual method in obtaining and furnishing the supplies for the Indians?

Answer. The usual mode has been by advertising there, and letting the contract for supplies to the lowest bidder. I have resided in the country fourteen years.

Question by the chairman. Are you acquainted with the Creek Indians who emigrated in 1829? and did they raise more corn than was sufficient for their own consumption in one year after their arrival on their lands west of Arkansas?

Answer. They did raise more than they wanted, and supplied the next party coming on.

Question by Mr. Wayne. Do you suppose that an Indian ration, including all the articles, which constitute it, can be furnished for a less sum than eight cents?

Answer. I do not think that it can be furnished for less than eight cents. I would sooner furnish them to a commissary, in bulk, at eight cents, than I would furnish and issue them at sixteen cents, because there is much danger of their getting spoiled while on hand. Corn meal and beef are often lost in this manner. Corn meal, during the warm season, will spoil in one week.

Question by Mr. Wayne. Did you know any thing of the Creeks who emigrated in 1829?

Answer. I did know something of them; they passed by my residence, and I furnished them with rations.

Question by Mr. Wayne. What was the treatment of the Indians, as to quantity and quality of the rations?

Answer. I was informed by Mr. Blake that he gave them one and one-fourth pounds of beef, and one quart of corn.

*Colonel Thomas L. McKenney called again.*

Question by chairman. Had Mr. Houston access to the books and papers of the office of Indian Affairs in 1830? and, if so, was it by your consent, or by the direction of the Secretary of War?

Answer. I remember that my chief clerk, Mr. Hambleton, came into my room in 1830, and, I believe, pending the time when the advertisement for rations was progressing to its termination, and said he felt it to be his duty to inform me that General Houston had been in his room on several occasions, asked for papers, and had taken them out with him. I asked if he had brought the authority of the Secretary of War? He answered, he had not. I then directed him not to allow any more papers to be examined by any person.

The next day General Houston came into my room from my clerk's room, a good deal excited, and demanded to know if I had forbidden to him the use of such papers as he might want. I told him I had given such orders. It is not necessary to notice what passed. I felt it to be my duty to say to the Secretary of War what had passed, and what directions I had given, and the reason for these directions. He made no answer, further than to say, pointing to the sofa which was in his room, there are some papers, and, I think, a letter book: you had better take them. I did so, and took them to my clerk, with directions to replace them on the proper files. I understood

from my clerk that these were the papers that had been taken out by General Houston. I have no personal knowledge of this matter further than I now state. Mr. Hambleton is dead.

Question by chairman. Are you acquainted with Luther Blake? How long have you been acquainted with him? and what is his character for truth and veracity?

Answer. The first time I saw Luther Blake was in the year 1827, I think, at the Creek agency. I had been commissioned to negotiate a treaty with the Creek Indians. I needed efficient and trusty men, known to the Indians, and having their confidence, to aid me. Luther Blake was named to me. I was with him for some days making up my opinion of his qualifications. I concluded him to be worthy and well qualified for the object. I engaged his services, and put him upon action. I found him faithful and efficient. By his aid, and Colonel Crowell's, the treaty was made. I left the Creek nation very favorably impressed toward Luther Blake. I never saw any thing, nor have I to this hour seen any thing to change my opinion of him, formed on that occasion. He appeared to me to be a man of truth, and, in proof of my good opinion of him, and of his influence over the Indians, I recommended him as a sub-agent west of the Mississippi. He was appointed. In his official relations, while there, he appeared to be a faithful officer.

Question by chairman. Had you any conversation with Luther Blake on the subject of his bid in 1830? If so, state what that conversation was.

Answer. I remember Luther Blake came into my office, and commenced a conversation with me respecting this ration business, in which he narrated a conversation which had, he told me, passed between him and General Houston. It was, in substance, that General Houston had told him, he, Houston, had seen the bids; that he knew Blake's bid and all the rest; that he, Blake, had offered, I think he said, at eight cents, and that Hawkins had put in for thirteen cents; that he, Blake, could not get the contract; but if he would withdraw it, he, Houston, could command the offer of Hawkins, and that Blake should make as much or more money by this course than he could if he should get the contract at eight cents. I believe this to be the substance of what Blake told me.

Question by Mr. Bates. Having heard read to you the testimony of Dr. Randolph in relation to the bids, is there any thing in your former testimony which you wish to change, or any thing which you wish to add to it?

Answer. There is nothing in my testimony which I desire to change, after hearing Dr. Randolph's testimony read; but, if the committee please, I would submit a brief outline as to the practice of the office in regard to letters received. It was, that all letters directed to the Secretary of War, having on the envelope no indications or reference of their contents to any of the bureaux of the department, were uniformly opened by the Secretary or his chief clerk. If, on opening such letters having no external reference on them, they were found to contain matter relating to the head of a bureau, the practice was to charge such letter to the office of such bureau, and send it to him for his action. But if there were any external reference to the Indian bureau, for example, on letters received, it was the uniform practice to send such letters unopened to the Indian bureau, where, if their contents required the action of the Secretary of War, they were reported up to him.

*Mr. Shaw appeared as a witness.*

Having been subpoenaed at the request of General Houston, who not being present, the witness was directed to appear before the committee to-morrow



morning; and that the clerk inform General Houston that he may attend at the same time, for the purpose of putting such interrogatories to the witness as may be proper, in relation to the subject of this inquiry.

Committee adjourned, to meet again to-morrow, at 9 o'clock A. M.

TUESDAY, June 19, 1832.

A quorum not having appeared, the committee met again on Wednesday morning, June 20th, 1832. Present: Mr. Wayne, Mr. Kerr, Mr. Bates, Muhlenberg, and Mr. Hubbard.

Moved by Mr. Wayne, that the committee adjourn to meet again to-morrow, at half past nine o'clock A. M., and that the clerk inform such of the committee as are not present, of this order.

THURSDAY, June 21, 1832.

The committee met. Present: Mr. Stanbery, Mr. Wayne, Mr. Kerr, Mr. Bates, Mr. Drayton, Mr. Hubbard, and Mr. Muhlenberg.

*Mr. W. D. Shaw called and sworn.*

Question 1, by Mr. Houston. Did you reside at the Creek agency, and were you often in company with Luther Blake?

Answer. I have resided, from the time of its being an agency—five years. I went with the first party of Indians, who went with Colonel Brearley. I mean the Western Creek agency, on the Verdigris river. I knew Luther Blake there as an agent.

Question 2. Did you, or did you not, hear him speak of getting the contract to furnish the Indian rations? If you did, what was stated by him?

Answer. I heard him mention the circumstance of getting the contract several times, in May or June, 1830. He mentioned that he had put in a bid for the contract, I think, at eight cents; but I will not be certain of the amount. He likewise observed that a Mr. Prentiss, who was here at the time, was likewise a bidder, and that he thought himself or Mr. Prentiss would get the contract. I then asked him how he would manage the contract, in consequence of his being an agent? He replied that he had left his resignation, with a power of attorney, with Mr. Brown, who kept a public house in Washington. That Mr. Brown was to attend to the business for him.

Question 3. Do you know any thing about issuing "short rations" to the Indians, while he *was* acting agent? If you do, tell us.

Answer. No, sir. I cannot say I know any thing of the issue of short rations.

Question 4. Have you, or have you not, any knowledge of the kind of beef that was issued to the Indians, as rations, by Mr. Blake? If you have any, state it.

Answer. I do not understand the question of *kind* of beef.

Upon its being explained to witness that it meant *quality*, he said— Sometimes it was good, sometimes it was indifferent.

Question 5. Were or were not the contractors in the habit of shooting down the beeves, and skinning them, and cutting them up without bleeding them in the neck or any where else, except at the bullet hole in the head?

Answer. They were. I heard of it, and went to see if it was so; and saw it done.

Question 6. Did or did not Luther Blake know of this practice? and was it not done in his presence, while acting sub agent?

Answer. I was informed by Captain Anthony such was the case. Captain Anthony was acting agent under Colonel Brearley, and acted as agent in his absence. Colonel Crowell sent Blake to the agency, and he succeeded Anthony. When Blake arrived, he took charge of the agency, and Anthony had no more to do with it. When Anthony represented to me the way of killing the beeves, I requested him not to mention it to Blake: he did, however, and Blake informed me of it, and said Anthony was meddling with business with which he had nothing to do.

Question 7. Did or did not the Indians complain of the bad quality of the beef; and was it not handed over to them when it was injured, by having mud upon it, from the manner in which it was weighed and handled?

Answer. Owing to the place in which the beeves were killed, it was impossible in wet weather to get the beef otherwise than being muddled. The pen was on the Verdigris river, on the bank, which was flat; and it was never changed whilst I was there but once, and then after Mr. Blake left the agency for Washington; I mean, in his absence, but whilst he was agent. The pen was made of suitable size to answer the purpose.

Question 8. Do you or do you not know any thing about Luther Blake, while acting agent, receipting to Gen. Chilly McIntosh for a quantity of corn for the use of the emigrating Indians, and taking a horse in lieu thereof, and applying the horse to his own private use, by selling him for one hundred dollars in cash?

This question was objected to by the chairman, Mr. Kerr, and Mr. Bates, and sustained by Mr. Muhlenberg, Mr. Hubbard, Mr. Drayton, and Mr. Wayne.

Answer. I knew that he did purchase corn from Gen. McIntosh, and receipted to him for the same—gave his due bills. Blake informed me that, in the delivery of the corn, there was not a sufficiency to cover the amount of due bills given to Gen. McIntosh, and that he was compelled in the settlement to take a horse, I think, for one hundred and twenty-eight dollars. I wont be certain, though, about the exact amount. He used the horse there about the agency—used him as a riding horse. I do not know whether for his own use, or for what use. The horse was sold to Capt. Hawkins, of the army, for one hundred dollars, and I knew from Blake that the money for which he was sold was to repay a debt of Blake to Col. Arbuckle.

To the 8th interrogatory put to Wm. D. Shaw, Mr. Kerr objects, on the ground that, if it be put for the purpose of impeaching the character of Luther Blake, as a witness, it is not proper, inasmuch as it is a leading question as to a specific act of the witness, which neither he nor the committee can be presumed to be prepared to meet; and as for the suggestion that Luther Blake's character *as an agent* had been put in issue, Mr. Kerr protests that the account of his character as an agent, gratuitously given by Col. McKenney, though permitted to be set down by the committee, ought not deprive Blake of the protection of an established rule of evidence.

Question 9. Were or were not the Indians in an almost naked and starving condition, at the time Luther Blake was acting agent; and was there not much sickness and many deaths among them?

Answer. They were not in a starving condition; they were sickly in the fall of 1829 and 1830, as well as I remember, and many of them died.

Question 10. Do you or do you not know, that about the time that Luther Blake, as acting agent, commenced issuing due bills to the Indians

for the corn delivered in the contract, that Mr. Hugh Love went to St. Louis, and brought goods and opened a store, and thereby bought up a large portion of the due bills?

Answer. Mr. Love did keep a store at the agency, and he did take in some of the due bills, whether large or small I do not know. Other traders took in some of the due bills. They were a circulating medium there. These due bills were given for corn purchased of and for the Indians.

Question by Mr. Hubbard. Did Blake state to you, or in your hearing, that he had any control of the bid put in by Prentiss; or that he in any way was concerned with him in the bid for the contract, or that there was any understanding between them?

Answer. No sir; not to my recollection.

Question by Mr. Bates. Was you here when the Indian bill of 1830 was pending?

Answer. I was not.

Question 2, by Mr. Bates. When and where did you have the conversation, to which you have referred, with Mr. Blake?

Answer. At the agency, after Blake's return from Washington.

Question 3, by Mr. Bates. Who did you see thus kill the beeves in the manner you have just stated, and how frequently?

Answer. The beeves sometimes were killed by the Indians; sometimes by the blacks who came there for rations; and sometimes by the contractors. It was the uniform practice not to bleed the beeves, in the last contract under Cooper and Vaughn. It was never done before. There has been no contract since.

Question 4, by Mr. Bates. Was not the place where the beeves were killed such as is commonly used for that purpose in that country?

Answer. Yes.

Question 5, by Mr. Bates. By whose orders was the pen changed?

Answer. By order of Chouteau, whom Blake left as agent in his absence.

Question 6, by Mr. Bates. How do you know the price that Captain Hawkins paid for the horse?

Answer. I partly agreed with Hawkins to take the horse at that price for Blake, and Hawkins took the horse, and from both of them I understood one hundred dollars was the price.

Question 7, by Mr. Bates. Do you know that Blake did or not account for the proceeds of the horse?

Answer. I do not know that he did or did not.

Question 8, by Mr. Bates. Was it generally known at the agency that the horse belonged to the Government?

Answer. Of course, as he was taken in lieu of corn, I considered him as belonging to the Government. What was the general opinion, I do not know.

Question by Mr. Hubbard. Under whose agency was the contract with Cooper and Vaughn made?

Answer. Under Luther Blake's agency, who made the contract.

*General Van Fossen called.*

Question 1, by Gen. Houston. Do you know any thing of a controversy between Gen. Houston and Col. McKenney? If you do, state what took place.

Answer. I think it was in the beginning of February, 1830, that I was in the Indian Department with Gen. Houston, when he, in conversation with Col. McKenney, in relation to the conduct of Indian agents, charged them with practising repeated frauds upon the Indians, in a manner which seemed to implicate Col. McKenney. Gen. Houston stated that he could prove facts showing the dishonesty and knavery of those agents, and mentioned the name of Hamtramack, and others, and used Gov. Clark's name in support of his charge against Hamtramack. Col. McKenney seemed particularly solicitous to remove the unfavorable impression Gen. Houston entertained, and entreated much that he would withhold those charges. General Houston replied that he could prove the charges, and would hold himself responsible so to do.

Question 2. Was this not apparently an angry meeting between Gen. Houston and Col. McKenney?

Answer. Gen. Houston appeared very indignant at the malpractices in the Indian agencies, and the Indian Department. I understood that he was much dissatisfied with the conduct of Col. McKenney himself. Col. McKenney remained cool, and endeavored to explain and beg off. I do not recollect that he made any direct charge against Col. McKenney, but he seemed to implicate him in improper conduct, and Col. McKenney appeared so to understand him.

*Moved*, by Mr. Wayne, that General Houston be subpoenaed, and admitted as a witness touching this inquiry. The motion was objected to by Mr. Kerr, but overruled—Messrs. Wayne, Drayton, Hubbard, and Muhlenberg, voting in the affirmative; Messrs. Stanbery, Bates, and Kerr, in the negative.

Messrs. Drayton and Muhlenberg offered the following explanation of their reasons for sustaining the motion of Mr. Wayne to admit General Houston as a witness: *That General Houston is a competent witness to prove any acts or declarations of Major Eaton or the President, which do not relate to himself, or any agency which he had in the contract referred to in the resolution.*

*Moved*, That the chairman request, of the Secretary of War, copies of the following papers, to wit: a copy of the letter written by Rolly McIntosh and Benjamin Hawkins, dated the 22d day of March, 1830, to the President of the United States, Andrew Jackson; also a copy of the letter of General John Campbell, dated October 15, 1830; a copy of an affidavit of Ed. W. Duval, dated October 29, 1828, in relation to rations; and the certificate of the clerk of the Second Auditor's office as to the cost of rations at the West Cherokee agency, as exhibited by all the accounts on file which were settled up to February, 1830.

Adjourned to meet again to-morrow, at 9 o'clock A. M.

FRIDAY, June 22, 1832.

Committee met. Present: Mr. Stanbery, Mr. Muhlenberg, Mr. Bates, Mr. Hubbard, Mr. Kerr, Mr. Drayton.

*John W. Flowers called again.*

Question by General Houston. Have you, or have you not, known Luther Blake while acting agent in Arkansas, and had frequent business to transact with him?

Answer. I have.

Question 2. Do you know any thing about the manner of furnishing the emigrating Indians with rations while passing through the Cherokee nation? If so, state what it was.

Answer. Yes. I know how they were furnished. The conductor of them bought rations for them at certain places, but they left a great many of them behind, to get along as well as they could. Many stopped at my house, and I furnished them, to prevent their destroying my corn and vegetables, and hogs. But they did destroy a good deal of my truck.

Question 3. Do you, or do you not, know any thing of the practice of issuing "short rations" to the Creek Indians by Luther Blake, while acting agent? If so, what was it?

Answer. I do not know any thing of it.

Question 4. If you heard him say any thing on the subject of trying to get the contract to furnish Indian rations, state what he said.

Answer. I heard him say that he tried to get a contract here to supply Indian rations. He said he had defeated Gen. Houston from getting a contract here very ingeniously. He had put in a bid himself at eight cents; that he had a friend here who had put in a bid higher, (Mr. Wm. Prentiss;) that, if Mr. Prentiss's bid was lower than General Houston's, Mr. Blake's bid was to be objected to, in consequence of his being an agent, by Prentiss; but if it was not lower, he had left his resignation, as Indian agent, here with Jesse Brown, with a power of attorney to act for him, and to close a contract.

Question 5. Whether would you rather furnish rations, in lump, at eight cents, or furnish and issue them at sixteen cents at one point in each nation; or furnish and issue them, at your own risk and expense, at three points in each nation at eighteen cents?

Answer. I had rather furnish them at eight cents.

Question 6. Did he say that William Prentiss was his agent in that business?

Answer. My understanding was, from their conversation, that they were to be connected in one bid or the other.

Question 7. Is William Prentiss the son-in-law of Jesse Brown?

Answer. I do not know.

Question 8. What was the conditions of the Indians at that time? What was the quality of the rations with which they were furnished?

Answer. I stated to him that, of the Indians at my house, some were sick and some were not able to travel. I do not know what the quality of the rations was.

Question 9. Did you make any communication to General Houston, while on his way to Washington in the latter part of the year 1829, in relation to the manner in which the Indians were treated and furnished?

Answer. I believe I did.

Question 10. Had he, Luther Blake, a public team and wagon at that time under his control? And how do you know the fact?

Answer. Yes, he had. I know that a wagon was brought on there, as a public wagon, by Col. Brearley, and I hired the wagon of Mr. Blake to do some hauling of corn.

Question 11. Did you, or did you not, communicate to Luther Blake the condition of the Indians at your place? If so, state what passed between you.

Answer. I believe I did state to Mr. Blake that the Indians were there, and a good many of them sick, and I would be glad to have them sent for,

and taken away; and he said he would send for them, but he did not. He said that some of those who had stopped at my house should have been beaten off, and made to keep up with the company, as they might have done if they would.

A communication was received from the Secretary of War, enclosing certain papers, as follows:

“DEPARTMENT OF WAR, *June 22, 1832.*

“SIR: I have received your letter of the 21st instant, and, in answer, have the honor to enclose copies of the several papers therein mentioned, furnished from the office of the Second Auditor, and the bureau of Indian Affairs.

“I am, sir, very respectfully,

“Your obedient servant,

“LEWIS CASS.

“Honorable WILLIAM STANBERRY,

“*Chairman Select Committee.*”

TREASURY DEPARTMENT,

*2d Auditor's Office, June 22, 1828.*

I certify that I have examined the accounts of E. W. Duval, late agent for the Cherokees west of the Mississippi, and find that the cost of the ration furnished by contract, “as exhibited by all the accounts on file, which were settled up to February, 1830,” was twenty cents the ration.

O. S. HALL, *Clerk.*

TREASURY DEPARTMENT,

*Second Auditor's Office, Oct. 29, 1828.*

On the day and year above written, personally appeared before me, William Lee, Second Auditor of the Treasurer, E. W. Duval, United States' agent among the Cherokees west of the Mississippi, and made oath that the charges contained in the annexed account for rations furnished by him, are just, to the best of his knowledge and belief.

WILLIAM LEE.

E. W. DUVAL.

The rations referred to in the above affidavit, cost, throughout, twenty cents.

O. S. HALL, *Clerk.*

*June 22, 1832.*

*General Houston, called and sworn.*

Mr. Kerr objects to the competency of General Houston as a witness in the inquiry, which has been so ordered as to embrace him in the charge, upon the ground of analogy to trials at law, both civil and criminal, and in chancery; because, in that view, the said Houston must be considered as a party to a charge, in its nature *joint*, being that of fraudulent collusion between him and others to obtain and to give a contract of the kind specified; and because the acquittal of his associates would necessarily tend to his own acquittal. By the same analogy, indeed, if, after all other witnesses have been examined, there should appear to be no evidence to implicate General Hous-

ton, he might then be considered competent to give evidence in behalf of others.

Question 1, by Mr. Hubbard, to General Houston. At what time did you arrive in this city in the winter of 1830?

Answer. As well as I recollect, on the 13th day of January.

Question 2. After you arrived in the city, did you address a communication in writing to Major Eaton, giving him information how the Indians were treated and furnished, as you had learnt, on your way, from others?

Answer. Some days after my arrival, I communicated to Major Eaton in person. He told me he wanted a written communication on the subject; and I made out a written communication, and handed it to him, stating the facts embraced in the interrogatory.

Question 3. Did you receive any communication from Benj. Hawkins in relation to the bid which he put in, in pursuance of the Secretary of War's advertisement? If you did, will you submit the letter you received from Hawkins, so that it may become a part of the journals of the committee?

Answer. I did receive a letter from Benjamin Hawkins, postmarked Fredericksburg; I think it was dated March 24, 1830. I have it in my possession. I made an assignment upon it, in accordance to the power vested in me by it, to General Van Fossen. The letter was in his possession until the 7th of this month, when he handed it over to me. Since that time, it has not been out of my possession. (Here the witness presented the original letter to the committee, saying that he had no motive for withholding it.) It is as follows:

*March 24, 1830.*

DEAR FRIEND: You told me, before I left Washington city, to give my bid for the contract for the supplying of the emigrating Indians in Arkansas, to General Van Fossen. I told him this morning that you would arrange it, if you find that it is necessary to give it up to him; and you can do so, and sign my name to any instrument of writing you may think proper concerning of it. Nothing more, but I remain your friend,

BEN. HAWKINS.

General Houston.

On the back of the foregoing letter, was the following endorsement or assignment:

So far as I am empowered in this behalf, I do hereby transfer for Benj. Hawkins all my power of transfer given by said Benjamin to General John Van Fossen, of the bid referred to by said Hawkins in the within letter.

SAM. HOUSTON.

*March 27, 1830.*

Mr. Bates offered the following reasons for objecting to the admission of General Houston as a witness, and had leave to state the grounds of his objections on the journal of the proceedings of the committee, which are, that the committee had agreed that the rules of law should govern in the admission of testimony.

General Houston is a party to this record. The transaction is a joint one. If there was a fraud attempted, General Houston was a party to it. It is an inflexible rule of law, that, before acquittal of judgment, a party of record, from principles of public policy, cannot be examined at all as a witness in the cause.



*General Van Fossen called.*

Question by Mr. Hubbard. Is the letter now shown to you, and submitted by General Houston to the committee, the same which was in your possession at the time the subpœna was served upon you, and which you delivered to General Houston on the 7th instant?

Answer. It is the same.

Question 2, by Mr. Hubbard. Has there been any alteration made in the letter?

Answer. Not any.

Mr. Hubbard then moved that the letter be made a matter of record in the proceedings of the committee; which was agreed to.

*Mr. Shaw called again.*

Question by Mr. Hubbard. Did you learn any thing from Luther Blake of the cause of the difference between himself and General Houston?

Answer. I learnt from him that there was a difference between them, in consequence of an inquiry made by General Houston, of one of Blake's commissaries, Mr. Donnelly, about issuing short rations.

A communication was received by the chairman from the Secretary of War, transmitting the information asked for by him, by order of the committee, on the 15th instant, giving the same, as follows:

WAR DEPARTMENT, *June 20, 1832.*

SIR: Your letter of the 15th instant was duly received, and referred to the Second Auditor, whose report I have the honor herewith to transmit, and from which you will perceive that the Auditor is unable, for the want of proper vouchers, to furnish the whole of the information requested. Should this report not be a satisfactory answer in every respect, be pleased to advise me of the fact, and the defect shall be supplied if practicable. Any information which the committee may require upon the subject of their inquiry, which may be in the possession of the department, shall be communicated with pleasure.

I have the honor to be,

Very respectfully,

Your obedient servant,

LEWIS CASS.

Honorable WILLIAM STANBERY,

*Chairman of the Select Committee.*

TREASURY DEPARTMENT,

*Second Auditor's Office, June 19, 1832.*

SIR: In reply to a letter addressed to you by William Stanbery, chairman, &c., on the 15th instant, and referred to this office, relative to the emigration of the party of Creek Indians which Luther Blake accompanied, I have the honor to furnish you with an extract from a letter addressed by me to your predecessor, on the 12th of April, 1830, in compliance with a resolution of the House of Representatives, of the 18th of March, in relation to those Indians, and which is in the following words, (alluding to the party accompanied by Luther Blake:)

"On examining Col. Crowell's accounts of expenditures, the \$27,585 consist of the following items:

Provisions furnished the Indians, during four months at the place of rendezvous, while collecting	-	-	-	-	\$7,000
Hire of wagons, teams, horses, &c.	-	-	-	-	5,500
Freight of steamboat	-	-	-	-	900
Ferriages	-	-	-	-	920
Amount paid individuals for their services in collecting the Indians, and accompanying them from the Creek agency to their new residence	-	-	-	-	3,500
Forage for 187 horses	-	-	-	-	485
Contingent expenses for sugar, coffee, &c. &c.	-	-	-	-	1,210
Provisions furnished the Indians on their way to their new residence	-	-	-	-	8,070
Total,					<u>\$27,585</u>

This extract contains as accurate account as can now be made of the expense of transporting to the Arkansas the party which Luther Blake accompanied in 1829, and is sufficiently in detail, I hope, to meet the views of the committee.

By a letter from Col. Crowell, of the 19th of June, 1829, it appears that his brother started with about twelve hundred emigrants; this appears also to be the number that crossed at the different ferries; but, by an abstract of provisions issued at the western Creek agency, from the 1st of September, 1829, to the 31st of January, 1830, (the latest received at this office,) the issues, in the month of January, were to 1,252 Indians.

It cannot be ascertained, with certainty, however, that they all belonged to the party which emigrated in 1829, accompanied by Luther Blake; and I think it not unlikely that some of the emigrants, under D. Brearley, in 1828, who arrived in 1829, are embraced therein.

The act of subsisting the emigrants under Luther Blake, for one year, cannot be ascertained with correctness, as all the due bills for corn, beef, &c., issued under contract, have not been presented yet for payment; but the average price of the ration will be about seven and a half cents, exclusive of the expense of issuing.

I am, with respect,

Your obedient servant,

W. B. LEWIS.

Hon. the SECRETARY OF WAR.

P. S. If any additional information in relation to this matter should be desired by the committee, it will be furnished with much pleasure.

W. B. L.

Committee adjourned to meet to-morrow, at 9 A. M.

SATURDAY, June 23, 1832.

The committee met. Present: Mr. Stanbery, Mr. Muhlenberg, Mr. Bates, Mr. Kerr, Mr. Wayne.

*General Duff Green called.*

Question 1, by General Houston. During the time that General Houston was in the city in the spring of 1830, had you not a brother who was an applicant for the agency of the Osages, and was not Hamtramack removed, and Mr. Chouteau appointed agent about that time, as agent of the Osages?

Answer. My brother came on to this place as an applicant for that appointment: by my advice he afterwards applied for the appointment of Receiver of Public Moneys at Palmyra. I believe that Hamtramaek was removed, and Mr. Chouteau appointed. I myself was opposed to the removal of Hamtramaek, and, at the request of some of his friends, I had a conversation with Major Eaton upon the subject. After it was understood that Mr. Hamtramaek was to be removed, I had a conversation with Major Eaton relative to the appointment of my brother to the agency. He at first gave me to understand that my brother would be appointed: I soon became satisfied that he would not.

Question 2. At what time in the year was your brother appointed Receiver of Public Moneys? or did he change his application for an appointment, until it was ascertained that he could not obtain the Osage agency?

Answer. The records of the department will show the time of his appointment. I believe it was near the close of the session of Congress. He preferred the agency; and I do not believe that he consented to apply for the other appointment, until it was understood that he would not be appointed agent.

I deem it proper to say, that, if it be intended to draw any inference from the fact of his being an applicant for that agency, that the application for the appointment had any connexion whatever with any contract, or contemplated contract with the Government, I had no knowledge of it; nor do I believe that it had.

Question 3. Was not your brother an applicant for the agency at the time that you alleged *Gen. Houston met you on the pavement, and said he had something of importance to communicate to you?*

Answer. I believe that he was; whether he was in the city at that time or not, I cannot say. He was an applicant before he came to this city, and brought letters of recommendation with him from many of the most influential citizens of Missouri.

Question 4. Do you recollect on what day of the month it was, and what month, that you had the alleged conversation with the Secretary of War and the President, in relation to giving Gen. Houston the contract at eighteen cents?

Answer. I am enabled to fix the date, by a reference to my letter to Major Eaton, of the 19th of March, 1830, which refers to the conversations that I had had with Major Eaton on the evening before. The letter was written directly after I had returned from the President's; it bears date the 19th of March; and by a reference to the other letter copied into my private letter book, it appears the one which precedes this bears date the 17th of March, and that which follows it, the 22d day of March. I therefore suppose that the conversation with Major Eaton was on the 18th of March, and that that with the President, which was on the next day, was on the 19th day of March, 1830.

Question 5. When you spoke to Mr. Shackford to put in his bid, what price was he willing to put it in at? and why was it that you thought that the bid which *he was willing to put in was not such as you believed the Government ought to accept?*

Answer. When I spoke to Mr. Shackford, he had made up no definite opinion as to the price; and when he was afterwards in conversation upon the subject, I found that he was unwilling to put in a bid as low as I believed the contract could be supplied, by extending the time of notice so as to

invite competition from Missouri, Arkansas, and Illinois; and I was unwilling that the Government should accept his bid, because I thought it too high.

Question 6. Were you not to be interested with Mr. Shackford in any contingency that might take place, if he should get the contract?

Answer. No, I was not. Mr. Shackford, in speaking upon the subject, said to me, that if he obtained the contract, and it proved a fortunate one, it was his intention to offer me a part of the profits, as, but for me, he would not have thought of it, and said that I could render him service by attending to his interest at this place. In reply to this, I told him distinctly that I could not undertake to take charge of his interest, and that I would not receive any portion of the profits, or be in any way concerned in the contract. Mr. Shackford, however, told me, since my publication appeared last winter, that it was his intention, in case he had made a profitable contract, to have tendered me a portion of the profits. But he never had any right to suppose, nor was it ever my intention to participate in the contract.

Question 7. Did you state to the Secretary of War any objections to Mr. Shackford's bid, as too high, after he had put it in to the department?

Answer. I do not recollect to have had any conversation with the Secretary of War on the subject. But for an answer to the question, I refer to my letter to the Secretary of the 19th of March, which was after my interview with Mr. Shackford, on the morning of that day, and which I supposed made it unnecessary for me to have any further conversation with him upon the subject.

Question 1, by Mr. Wayne. When you wrote your letter of the 19th of March, 1830, to the Secretary of War, and expressed your opinion that the cost of the ration would not exceed ten cents, had you then taken into consideration that clause of the proposals, of the 18th of February, 1830, which would throw upon the contractor for rations the entire expense of transportation, of issuing, and the building of houses for the preservation of the supplies; and that the points of delivery were to be three in the country of either of the tribes, and at such places as the Secretary of War might designate?

Answer. I had no doubt, at the time of examining the proposals, that the proposals themselves were so framed as to prevent competition by presenting difficulties, as well in the fulfilment of the contract, as in the control which was reserved to the department. The tendency was to prevent bidders from making accurate calculations of the cost, in as much as I believed that the contract could have been made at six cents, allowing a fair profit for the contractor in case he had had full confidence in the department. I had no doubt that, even under the proposals, a contract could have been made, if due notice had been given in the western States to furnish the rations at ten cents. I did not then know that any other than Mr. Shackford intended to bid against Mr. Houston, but it appears that other persons in this city did put in bids at less than ten cents. Had I known of these bids, I certainly should not have interfered in the matter.

Question 2. In your conversation with Shackford, did he not inform you that it was his intention to put in a bid at seventeen cents per ration? and did you not advise him to put in that bid?

Answer. My object in sending for Mr. Shackford was, if possible, to defeat the contract which I had been informed by the Secretary he intended to make with General Houston at eighteen cents per ration. I expected that

Mr. Shackford could be induced to put in a bid at something like a fair price, because I had always considered him one of the most active and enterprising merchants of the west, possessing, as I supposed, sufficient credit to accomplish the whole contract. It was then, for the first time, that I understood, that, in consequence of his investments in the Louisville and Portland canal, he was embarrassed. On our first interview, which, as well as I recollect, was on the night of the 18th of March, he would not consent to put in a bid at any thing like the price which I believed ought to be accepted by the Government. I requested him to think of it until the next morning. He called the next day accordingly, and my impression was, and is, that he consented to reduce his bid to fourteen cents. But still believing that to be much higher than the Government ought to give, and finding that he would not bid lower, I resolved to apply to the President himself, and, if possible, prevail on him to prevent the contract with Houston, or any one else, until the people of the western country could have an opportunity to bid. After I had the conversation with the President, and had written to Major Eaton, I believe that I saw Mr. Shackford on the evening of the 19th, and informed him of what had passed; and it may be, that I advised him to put in his bid at fourteen cents, or I may have advised him to put in his bid at seventeen cents, but, if I did, it was simply with a view to embarrass the arrangement which I believed to have been entered into between General Houston and the Secretary, and to reduce the price which I was apprehensive would be allowed to Houston, and not with any expectation that he, Shackford, would obtain the contract at either of those prices. My recollection is not perfect as to the precise sum which Mr. Shackford proposed to bid, because, as I considered his bid as a mere incident in the transaction, and as he had refused to bid as low as I expected he would do, I did not impress the prices distinctly upon my memory.

Question 3. Did you not then consider, and now think, Shackford to be as competent a judge of what would be the cost of the rations to be furnished under the proposals, as yourself?

Answer. When I sent for Mr. Shackford, I had very little doubt that he would put in a bid at a fair price. I supposed that he would be induced by the size of the contract to enter into it. He informed me that he had been very much disappointed in his speculations in the Louisville and Portland canal, and that, in consequence of his embarrassments and disappointments, he felt great reluctance to enter upon any new business; that he was unwilling to put so much at hazard in the hands of agents, under the apprehension that the influence of the War Department might greatly prejudice his interest; he seemed to have no doubt that much money might be made at a much lower price, but, in consequence of his apprehensions that he would not be fairly dealt by by the department, he was unwilling to take the contract unless at a price which would cover all the risk. I understood from him, also, that this being a new business, he was not prepared to make proper estimates. In that respect I was disappointed. I found him much more cautious than I had anticipated; but I thought then, and now think, there were few men in the west who could better calculate the cost than Shackford, if, in his opinion, the whole transaction had been fair and proper, and if he had had full confidence in the department.

Question 4. Did you think yourself as capable to have determined what should have been the cost of a ration under the proposals as Mr. Shackford was?

Answer. I supposed Mr. Shackford as competent as any one to make an estimate of what the ration should cost, all things being fair: but, in conversation with him, I became satisfied that he entertained more apprehension of the influence which the department could exercise over the contract than I did. That my estimate was much more correct than Mr. Shackford's, appears by the report of the War Department as to what the ration has actually cost. I believe that it will be seen, by a reference to General Gibson's report, that the ration, as it is now furnished, has not cost more than from six to eight cents. It is proper, also, to state, that one of Mr. Shackford's strongest objections to entering into the business himself, was, that the very large investments that he had made in the Louisville and Portland canal required his personal attention, and that his bids ought to be considered as covering the estimate of the loss which might ensue in consequence of his neglect of that interest, and not as exhibiting what he conceived to be a fair price for the ration. Upon this subject, Mr. Shackford can speak for himself. I state this rather as the impression made upon my mind by the conversations which I had with Shackford, than from his explicit declaration, which, from the time that has intervened, I do not pretend to give with accuracy. At the time that I sent for Mr. Shackford, I supposed him to be as competent to form an estimate of the cost of the ration as myself or any other person; but, upon conversing with him, I became satisfied that he was not as competent as myself, or that, if he was, he was unwilling to bid for the contract at a fair price.

Question 5. The rations to which you alluded in your last answer, as supplied by General Gibson—Do you not know them to be for Indians who are stationary, and not emigrating? to be supplied in bulk to the Commissary Department of the United States, or its agents, without risk from keeping, and expense of issuing, by those who do furnish them?

Answer. I refer to the report made to the House of Representatives during the present session; and my impression was, that that report refers to the emigrant Indians, and that the rations of which it speaks are the same as those contemplated under the advertisement of the War Department, heretofore referred to. I have not read the report with close attention. I merely refer to the prices which appear upon its face; but believe that some of the rations are contracted for to be delivered by the contractor, and that others are issued by the agents of the Government: but I have no hesitation to say, that, from what I know of the prices in that country, money can be made at six cents the ration.

Question 6. Am I to understand from the testimony given, that Shackford, in his intercourse with you, ever stated to you that his bid of 17 and 15 cents had not been graduated by a fair estimate, in his opinion, of what the cost of a ration would be, but by his apprehension that he would be unfairly dealt with by Major Eaton, the then Secretary of War?

Answer. You are to understand that I understood from Mr. Shackford, in the several conversations which I had with him on the subject, that his bids were made to cover what he conceived would be his loss, by the consequent neglect of his other business, and the risk which he supposed he would encounter, by taking the contract against the wishes of the department.

Question 7. Did he, as a part of that risk of which you have just spoken, ever intimate to you that his apprehensions were that he would be unfairly dealt by by the department?

Answer. At so long a period, I cannot speak precisely of what Mr. Shackford did say; and, in reply to this interrogatory, I can only say, that the impression made upon my mind, from the conversations which I had with him, was, that he was confident that, if he obtained the contract, he would not be fairly dealt with by the department. And my impression is, that, in conversing with him upon the subject, I communicated to him my belief that he would not be fairly dealt by. But of this, Mr. Shackford can speak for himself.

Question 8. In the original proposals, as the Government was to make no advance of money to the contractor, did you hold any conversation with Shackford how he was to obtain money to make purchases? and what was that conversation?

Answer. My impression is, that there was something said on the subject, and that, in reply to his suggestions that his funds were locked up in the Louisville and Portland canal, I told him that Mr. Mulanphy, a moneyed man of St. Louis, would advance him any funds which he might want to carry the contract into execution.

Question 9. Did not Shackford tell you that he intended to put in a bid at fifteen cents? and did you not advise him to do so?

Answer. I have before said, that my object was to defeat the contract with Houston; or, if it could not be defeated, to reduce the price. My impression was, and is, that Mr. Shackford consented to put in a bid at fourteen cents; and I did not know that he intended to put in a bid at fifteen, until it was stated in a publication made in the *Globe* since the meeting of the present Congress. My impression is, that I advised Mr. Shackford to put in a bid at fourteen cents. In talking of the bid, fourteen, fifteen, sixteen, and seventeen cents, may have been mentioned; but it would be wrong to say that I advised Mr. Shackford to put in a bid at fifteen cents, if it be intended to mean thereby that I approved of a contract at that price. My object was to defeat the contract with Houston.

Question 10. Are we to understand, from your testimony, that, after you found Shackford would not put in a bid corresponding with your notions of what would be the cost of a ration, that you advised him to persevere, with the view, principally, on your part, to defeat the contract which you say you apprehended the Secretary of War was about to make with Houston? And did you ever intimate to Shackford that you were using him for such a purpose?

Answer. My object in first sending for Shackford was, to defeat the contract with Houston. When I found that Mr. Shackford would not put in a bid at what I considered to be a fair price, I then appealed to the President for the same purpose. During my interview with him, I became satisfied that he would interpose no obstacle to the contract with Houston. On returning home, I wrote the letter of the 19th of March to Major Eaton, which is now before the committee, for the same purpose. My impression is, that I told Mr. Shackford, under an injunction of secrecy, of the interview which I had had with the President, and also of the letter which I had written to Major Eaton. I am not confident as to showing the letter to him, but think it probable. I cannot say positively that I advised Mr. Shackford to put in his bids at seventeen and fifteen cents. He knew distinctly that my object was to defeat the contract with Houston; and he also knew that I believed that the Government ought not to contract with him, (Shackford,) upon the terms of his bid. If I assented to his putting in his bid, he knew



distinctly that it was because they were lower than the price I had understood from the Secretary he contemplated to give Houston.

The following is a copy of the letter, of the 19th of March, written by Mr. Green to the Secretary of War, and referred to in his testimony given on the sixth day of June, as appears from the copy taken in his private letter book, as compared in the presence of the committee on this 23d day of June, 1832:

“WASHINGTON, *March 19, 1830.*

“To Maj. EATON:

“After leaving you last evening, I examined, for the first time, your proposals for rations. From my knowledge of the prices of beef and corn in the western States, I am confident that the proposed rations ought not to cost ten cents; yet I understand you to say that you expect to give from eighteen to twenty cents, and that the issue, at these prices, will amount to twelve thousand dollars per day.

“That a contract of such amount should be made without giving notice to the western States, where provisions must be purchased, will be a cause of attack; but when I read the advertisement, and see that it is so worded as not to convey any idea of the speculation it affords, and connect it with the facts, which is within my own knowledge, that it was prepared under the special advisement of Gen. Houston, who has gone on to New York, and has brought from there a wealthy partner to join him in the contract, I should be unfaithful to the administration, to Gen. Jackson, and to myself, if I did not bring the subject before you in such a shape as to guard against the consequences which I foresee will follow any such contract as the one he contemplates.

“Such a contract may enrich a few who are concerned in it, but will destroy the confidence of the public, I fear, in the administration, and impair the fair fame of the President, which it is your duty and mine to guard. Will it not be well to extend the time, so as to enable the people of Missouri and Arkansas to bid?

“Yours, &c.

“D. GREEN.”

Committee adjourned to meet to-morrow, at 9 o'clock A. M.

MONDAY, June 25, 1832.

The committee met at 9 o'clock A. M. Present: Mr. Stanbery, Mr. Bates, Mr. Wayne, Mr. Hubbard, Mr. Muhlenberg.

*Mr. Flowers called again.*

Question 1, by Mr. Houston. Were you not counsellor to a delegation of Cherokee Indians to this city, which made the treaty of May, 1828?

Answer. I was.

Question 2. Did you hear Col. Thomas L. McKenney say any thing to the agent of the Cherokees about the price of rations? If so, what year was it in? and what were the prices?

Answer. I did hear him speak of the price of rations. It was in 1828. I heard the agent, Maj. Duval, ask Col. McKenney what had been the customary prices of the rations? Col. McKenney said that they had generally been twenty cents, and, in some instances, twenty-five cents.

Question 3. What do you know about the loss of provisions when collected in quantities on the Arkansas river, within the Cherokee nation, and at Fort Smith?

Answer. There was a great deal of provision lost at the different points, and at Fort Smith. I should think between two and three thousand bushels of corn.

*Mr. D. Butler, jr., called and sworn.*

Question 1, by Gen. Houston. Were you a bidder under the notice given to furnish Indian rations?

Answer. I was.

Question 2. Did Houston ever propose to purchase your bid? or did you ever converse with him on the subject of the bid or contract, until this spring?

Answer. He never did; and I did not converse with him on the subject of the contract.

Question 3. Do you know who had the three lowest bids under the notice given by the Department of War? If so, name the persons.

Answer. I understood at the War Department, but cannot say from whom, that Mr. Blake put in the lowest bid, Mr. Prentiss the next lowest, and myself the third.

Question by Mr. Wayne. What was your bid?

Answer. Nine and nine-tenths of a cent per ration.

Question 2. When you made that bid at nine and nine-tenths of a cent, had you fully taken into consideration all the requisitions of the proposals, which would throw upon the contractor not only the transportation, but the keeping of the rations at any three points in each tribe which the Secretary might designate; the losses, and the expense of issuing; and the fact that the Government was to make no advance of money?

Answer. I had no personal knowledge. I have never been in the country, but made inquiries of Colonel Brearley, who had been Indian agent, and had accompanied the emigrant Indians. He informed me that he thought money might be made at ten cents, or nine and nine-tenths of a cent per ration. I was not aware of the number of rations that was contemplated to be supplied by the Secretary of War: had I known the extent of the contract, I should not have put in a bid at that price, but at a higher price. I understood the manner of performing the contract from the proposals, having been, before, a contractor for supplying rations for the army to the amount of fifty or sixty thousand dollars, and had always fulfilled my contract to the satisfaction of the department.

Question by chairman. If the contract had been given to you on your bid, could you not have produced good security for its performance? and would you not have done so?

Answer. If I could have convinced my friends that I had a good contract, I think I could.

It was moved by Mr. Wayne, that the chairman cause a subpoena to be issued to William B. Lewis, esq. requiring his attendance forthwith before the committee; and that he bring with him such correspondence within his power or possession, as may have passed between Major Eaton and the President of the United States, upon the subject of supplying emigrating Indians with rations. Agreed to.

*Luther Blake called again.*

Question 1, by chairman. Have you read the testimony of Mr. Shaw? and state any thing you have to say in explanation.

Answer. The Indians would ask the privilege to kill the beeves, for the sake of the entrails; but there were none shot down without bleeding, to my knowledge. As to the pen, the former contractor, Bean, sold it to Joseph Cooper; but Bean had permitted an old woman to go into the pen or cook-house before he sold it. There was some disturbance between her and Mr. Cooper, and I recommended Mr. Cooper to move his pen to some other place. It was also a nuisance to ourselves on account of the quantity of blood, and it was moved, I think, during my absence. I did leave a power of attorney with Mr. Brown; there was some rumor intimated that my being an officer might be some objection. It was not decided before I left, and I left the power with him. After I returned to the western agency, speaking of the bids and proposals to the then contractors, Joseph Cooper and Singleton Vaughn, of the State of Missouri, I told them what I had put in at: they told me my bid was a good one. They had been very extensive contractors in the northwestern country, and persuaded me, as the thing had not been settled, to claim my bid, and send on my resignation, and they would become concerned with me.

They are men of high standing, and great respectability, as Mr. Buckner of the Senate, I presume, can also testify.

As to the quality of the beef, I never saw better, take it together. I did take a horse of Chilly McIntosh to make up the deficiency of corn; his crib did not hold out, to save the debt. I took the horse, and paid the corn myself at the time, or before. The Government sustained no loss, but I did. I took McIntosh's crib of corn because it was in the neighborhood where it was wanted, and to save the trouble of building a crib.

Question 1, by Mr. Houston. Was not Jesse Brown, with whom you left your resignation and power of attorney to act for you, the father-in-law of this William Prentiss, who has been a witness before the committee?

Answer. He was.

Question 2. Had you not a quarrel with Houston about his inquiring of Donnelly, one of your commissaries, about issuing "short rations" to the Indians?

Answer. I had.

Question 1, by chairman. What would have been the expense of transportation, of issuing, and of building houses for the preservation of the supplies, according to the proposals?

Answer. That of beef, I calculated that the fifth quarter would pay the expense; of corn, I cannot say what would be the expense; houses cost from ten to one hundred dollars each, for storing corn and meat.

Question 2. Could you have given security for the faithful performance of the contract?

Answer. I think I could.

(In explanation of the conversation which witness had with Major Flowers, he went on to say, that he might have said, that, in case his bid should be thrown out as illegal, that he might become interested with almost any one, on account of his acquaintance in the business, and the country, particularly Mr. Prentiss, as being an intimate friend. But there was no understanding whatever upon the subject of any such interest between Mr. Prentiss and himself.)

Question by Mr. Houston. Why did you receipt for corn before its delivery?

Answer. I receipted for it to save the expense and trouble of building cribs. The custom was, to have the crib measured by the officers of the 7th regiment. The corn that I receipted for to Mr. McIntosh, was measured by the officers, whose names I do not now recollect, save that of Bonnyville, and before I gave the receipt.

*Moved*, That the chairman cause a subpoena to be issued, summoning August. P. Chouteau to appear before the committee forthwith.

Committee adjourned to meet to morrow, at 9 o'clock A. M.

TUESDAY, June 26, 1832.

The committee met. Present: Mr. Stanbery, Mr. Muhlenberg, Mr. Hubbard, Mr. Wayne, Mr. Kerr, Mr. Bates.

*Major William B. Lewis appeared as a witness, and was sworn.*

Question by Mr. Wayne. Is the paper which you hold in your hand, purporting to be a letter from Major Eaton, the then Secretary of War, to the President of the United States, and which same paper contains the reply of the President, in the handwriting of Major Eaton and the President?

Answer. The letter and reply are in the respective handwritings of the late Secretary of War, Major Eaton, and the President; as well as the memorandum on the back in the handwriting of Major Eaton.

Question by Mr. Bates. Did you take this letter from the files of the Department of War?

Answer. I did not. It was handed to me by Major Eaton, to be used if it should be necessary.

Question 1, by chairman. Do you know of any necessity there was in February, 1830, (the time the proposals were published,) of making a contract for the supply of emigrating Indians? and was any such contract contemplated before the arrival of General Houston in the city, in 1830?

Answer. I do not. It was a matter with which I had nothing to do; making of such contracts belong to other officers of the Government.

Question 2, by chairman. Do you know of the existence of, or have you ever seen, any letters from General Houston to Major Eaton on the subject of this contract?

Answer. I think there was a communication made in writing upon the subject of the contract, by General Houston, to Major Eaton; but I am not certain whether I ever saw that communication or not; possibly I may have seen it.

Question 1, by Mr. Hubbard. Was that the only communication which you ever heard of?

Answer. It was, according to the best of my recollection.

Question 2. Was the communication to which you allude, made prior to the advertisement published by order of the Secretary of War for proposals to furnish rations to the emigrating Indians?

Answer. It was made prior.

The witness then handed to the committee the letter from Major Eaton to the President, containing also the President's reply, &c. which are as follows:

*"February 16, 1830.*

Public men must act, not merely not to deserve, but also not even to seem to deserve censure. Accordingly, I have said to General S. Houston that we cannot make a *private* contract with him; but must advertise for

proposals. He is quite satisfied with the course. I propose, therefore, if you approve it, to advertise, say thirty days for proposals for supplying the Indians who may emigrate during this year; or may, for the next, also.

I submit it for your consideration.

Yours,

J. H. EATON."

To the foregoing letter, and upon the same sheet, the President replied as follows:

"The President, with respects to the Secretary of War, approves the within. February 16, 1830."

Upon the back of the letter are the following memoranda:

"On this day, we saw the within letter of Major Eaton to the President, and his reply on the next page.

E. BREATHITT,  
ROBT. C. FOSTER, jr.  
C. G. OLMSTED.

FRANKLIN, April 30, 1832."

Then follows the following words upon the next page: "He called on me, he said, by direction of the President, and said he wished to make a contract for the emigrating Indians at a price greatly below what the Government was paying on contracts made under the last administration. The President had referred him to me. He stated that the price of the ration was too great; and, besides, that the Indians were defrauded by the contractors. After conversing with Gen. Houston, I wrote to the President this letter.

J. H. EATON.

*Col. A. P. Chouteau appeared as witness, and was sworn.*

Question 1, by Gen. Houston. Have you, or have you not, had a trading establishment at the Creek agency ever since the first emigrants arrived at that place?

Answer. I have, and was located there before the emigration took place.

Question 2. Do you know any thing relative to the manner in which beeves were slaughtered for the Indians, while Luther Blake was acting agent for the Creeks? If you do, state the facts.

Answer. The slaughter pen was within about two hundred yards of my house, and I occasionally walked there, and observed that they were shooting the beeves without bleeding them. I remember that different persons would shoot them but once; one of the contractors shot several in my presence.

Question 3. What was the object of not bleeding the beeves when they were first shot down? And did you ever know beef slaughtered in that way by any other persons than at the Creek agency?

Answer. I never had seen it, and I do not know that I ever heard of it before; and the object, as it struck me, was, that it increased the weight of the beef.

Question 4th. Would not the beef be much more liable to putrefaction and waste than if it had been bled while it was warm? And would it not require double the quantity of salt to preserve it?

Answer. I believe it would be more difficult to preserve it.

Question 1, by Mr. Wayne. Was this done with the knowledge of Blake?

Answer. I cannot say that it was.

Question 2. How often were beeves killed for the Indians?

Answer. In the summer, every fifteen days; in the winter, once a month.

Question 1, by chairman. What was the price of beef, corn, and salt, at the western Creek agency, in 1829 and 1830? and what has been the price since?

Answer. The price of beef generally was about three dollars per hundred pounds—sometimes more, sometimes less; corn, the general price was about seventy-five cents; and salt at about one dollar and twenty-five cents per bushel, delivered at the agency.

Question 2. Is the issuing rations to the Indians an expensive business, and is it attended with much loss?

Answer. I never made myself acquainted with it, and have no knowledge of it.

*General Ashley called as a witness, and was sworn.*

Question 1, by the chairman. What was the price of beef in the State of Missouri in 1829 and 1830? and what has been the price since that period?

Answer. I presume that one dollar and fifty cents may be considered the average price of good beef throughout the State.

The proposals issued by the War Department, signed Thomas L. McKenney, Department of War, Office of Indian Affairs, 18th February, 1830, being shown to the witness, the chairman put the following

Question. If this notice had have reached the people of Illinois and of Missouri, and if it had been known that it was intended to invite proposals for the supply of thirty or sixty thousand Indians for one year after their arrival at their lands west of Arkansas and Missouri, are you of the opinion that many bids would have been made by the citizens of Missouri and Illinois?

Answer. I think it altogether probable that bids would have been made.

Question 3. Was the time, limited in the advertisement, sufficient to give notice to the people of Missouri and Illinois?

Answer. I think the time was not sufficient for the proposals to reach every part of those States.

Question 4. Are you of the opinion that citizens of Missouri or of Illinois would have taken this contract on more favorable terms to the Government than the citizens of other States?

Answer. I am not prepared to say that they would have taken it upon better terms to the Government than some of the adjoining States; but, being more convenient to the place where the rations were wanted, they might have been able to take the contract upon some better terms.

Question 5. What would be the expense of driving cattle from the State of Missouri to the lands of the emigrating Indians west of Arkansas and Missouri?

Answer. I cannot answer with any degree of accuracy, never having been engaged in that kind of business. Much would depend upon the season of the year, and the number of head in the drove.

Question 6. In the early part of the summer, or late in the fall, would the driving of cattle be attended with any other expense than the time of the hands?

Answer. The food of the cattle would cost nothing. I am not aware of any additional expense.

Question 7th. What would, in your opinion, be the cost of corn per bushel for the supply of emigrating Indians?

Answer. I think supplies have been furnished to some of the emigrating Indians, I do not know to what tribe, at something like one dollar and twelve and a half cents per bushel.

Question 1, by Gen. Houston. What is the distance from St. Louis to Cantonment Gibson, or the Creek agency?

Answer. I should think it about four hundred miles.

Question 2. If corn was purchased in Missouri for the supply of the Indians at the Creek agency on the Arkansas, what distance do you think it would have to be wagoned?

Answer. I should say from one hundred and fifty to two hundred miles.

Question 3. Would it not be impossible for teams to pass through that country at certain seasons of the year?

Answer. I should think it would be: instances have occurred of teams passing through that country being unable to proceed in consequence of the prairie flies: the wagons have been left, and some of the horses killed by the flies.

Question 4. Would it have been possible, in the fall of the year, after the prairie had been burned, to drive cattle through that country?

Answer. I think that cattle might be driven through after the prairies had been burned, or early in the summer or fall of the year.

Question 5. Would there not be a loss by cattle straying or getting from the drove?

Answer. I repeat that I am unacquainted with driving cattle; they may, however, be liable to stray.

*Gen. Joseph Duncan called as a witness, and sworn.*

The proposals issued by the War Department for supplies for the emigrating Indians, signed Thos. L. McKenney, Office of Indian Affairs, 18th February, 1830, being shown to the witness, the chairman put

Question 1. What was the price of beef in the State of Missouri and Illinois in 1829 and 1830? and what has been the price since that period?

Answer. Good beef, I think, has been two dollars, or thereabout. I do not think it exceeded that sum; it was not below it.

Question 2. If this notice had reached the people of Illinois and Missouri, and it had been known that it was intended to invite proposals for the supply of thirty or sixty thousand Indians for one year after their arrival at their lands west of Arkansas and Missouri, are you of the opinion that many bids would have been made by the citizens of Missouri and Illinois?

Answer. I can state one fact only; that a merchant in the town near where I live had written me one or two letters making inquiries upon the subject. I should think some bids would have been made.

Question 3. Was the time limited in the advertisement sufficient to give notice to the people of Missouri or of Illinois?

Answer. It would have given them notice, but not time to have returned an answer to this place.

Question 4. Are you of the opinion that citizens of Missouri or of Illinois would have taken this contract on more favorable terms to the Government than the citizens of the other States?



Answer. I have not sufficient information of the resources of the neighboring States to answer this question with certainty; but suppose they might have supplied the beef on as favorable terms, as we occasionally send it to Tennessee, Kentucky, and Ohio, and it is sometimes shipped to Louisiana.

Question 1, by Gen. Houston. Do you know the distance from Illinois, across the country, to Cantonment Gibson, near the Creek agency?

Answer. I do not.

Question 2. Would there not be great liability to lose cattle, travelling through the country where there are no enclosures to keep them?

Answer. I should think there would be some risk, yet it is a constant practice to drive cattle from Missouri, Illinois, and Ohio.

Committee adjourned, to meet to-morrow, at 9 A. M.

JUNE 27, 1832.

The committee met. Present: Mr. Stanbery, Mr. Muhlenberg, Mr. Wayne, Mr. Bates.

*Colonel John Crowell called, and sworn.*

Question by the chairman. Are you acquainted with Luther Blake? and how long have you been acquainted with him? and what is his character for truth and veracity?

Answer. I do not recollect how long I have been acquainted with him, but something like twelve or fourteen years. I became acquainted with him first at Cahaba, Alabama, in 1819. I am not positive as to the time he came into the Creek agency, but am sure it was as early as 1825. He lived at my brother's, and with me at my house, and was employed in business, by me, of various kinds. In 1829, I was given the control of removing a party of Creek Indians west of the Mississippi, and employed Mr. Blake as an assistant. I was authorized by the Government to appoint a sub-agent for the western Creek agency, and I appointed Mr. Blake. In 1830, Mr. Blake's appointment was superseded by Mr. Campbell, and Mr. Blake returned to the old Creek agency. Since that time, he has not been in my employ. Of his character for truth and veracity, I know nothing to the contrary of his being a strictly honest man, and justly entitled to be believed. I have never discovered any thing to the contrary, but believe him to be an honest man. If he is not, I have never been able to discover it.

Question by General Houston. Was not Luther Blake your carriage driver in the Creek agency? and did he not act in that capacity for Colonel McKenney when he attended the council ground at Weetumpka? and was he not, until 1829, employed by you generally in menial employments?

Answer. Mr. Blake never was my carriage driver. If he drove Colonel McKenney to the council ground, about eighteen miles from my house, I have no recollection of it; but it is very possible that it may have been so. I do not recollect whether we went to the council ground in a carriage or on horseback. My brother has a carriage; and it is possible that we may have gone in that way.

He never was employed by me in a menial employment—nothing but what any white man would be willing to do, who worked for his living. He was employed by me in an honest and respectable employment, and lived in the house with me; and I treated him as a gentleman.

*Garrett Anderson was called, and sworn.*

Question by chairman. Are you acquainted with Luther Blake? and what is his character for truth and veracity?

Answer. I became acquainted with him in 1829 or 1830, and have had a good deal of intercourse with him, and always considered him an honorable man.

*Captain Bell called, and sworn.*

Question 1, by the chairman. Are you acquainted with Luther Blake, and what is his character for truth and veracity?

Answer. I was acquainted with him in Georgia, on duty with him in 1826, and was with him on an excursion up the river about 10 days, but have seen him but seldom since. As far as I knew or heard, I know nothing against him. I was with him occasionally before and after the excursion up the river in Georgia.

*Raphael Jones called, and sworn.*

Question by the chairman. Are you acquainted with Luther Blake, and what is his character for truth and veracity?

Answer. I have been acquainted with Mr. Blake for the last eighteen months, and think the man to be of good character, as far as I know.

*Colonel Sevier called, and sworn.*

Question 1, by chairman. What was the price of beef, corn, and salt, in the Territory of Arkansas, in 1829 and 1830? and what has been the price since?

Answer. Corn, I should suppose, could have been had at from thirty-three to fifty-cents per bushel; beef would average perhaps from two to two and a half cents per pound; and salt generally was sold at from 80 to 100 cents per bushel.

Question 2. Could beef, corn, &c. be purchased in the country of Arkansas, sufficient to supply all the emigrating Indians, at the prices you have stated?

Answer. I think the supplies could have been obtained there; and the Indians already there have been supplied with corn and beef in the territory.

Question 3. Have you any knowledge of the proposals published in the Telegraph and National Intelligencer, in February, 1830, signed Thomas L. McKenney, inviting proposals for the supply of rations for the emigrating Indians; and did you make objection to the same? and to whom did you make your objections, and what were they?

Answer. I read the advertisement in the Telegraph but a few days, I think, before the time expired for the reception of bids. My attention was drawn to it by Col. Brearley, of this city, and Pearson Brearley, of Arkansas. When I read it, I was a good deal provoked, and took every step in my power to defeat it. I thought the citizens of Arkansas, who had the supplies of beef and corn among themselves, had not an opportunity of bidding for the contract, as the other citizens had. The advertisement, as well as I remember, allowed but thirty days for the reception of bids, and it would take nearly thirty days to reach Arkansas, and they would have no time to send in their bids. It was on that ground that I was dissatisfied with the advertisement. I called to see the Secretary of War, I think, the day that I first saw the advertisement, certainly that day or the day after. I did not see the Secretary at that time. I saw Col. McKenney and Gen. Gibson, who I understood had some charge of this matter. I gave them my views

upon the subject, and told them my grounds of dissatisfaction. A day or two afterwards, I think, I saw the Secretary of War, and repeated to him what I had stated to the other persons. I do not recollect what the Secretary's reply was distinctly, but he said something about turning it over to the management of Gen. Gibson, of the Commissary Department. I am not certain whether he told me to call again or not, but I did, a day or two afterwards, when I understood it was done. While this matter was pending, I wrote a note to the Secretary of War, I think, upon the subject, and called this winter for a copy of the note, but the original could not be found.

Question 4. Was it before the 20th of March, 1830, that you understood that the business was handed over to the Commissary General?

Answer. My impression is, that it was, and but a very short time before, perhaps a day or two.

Question 5. If the advertisement had have reached the people of Arkansas, would, in your opinion, many bids have been received from Arkansas? and would not those bids have probably been on more favorable terms to the Government than bids from other quarters?

Answer. I think so; I can speak also from some experience on the subject. The present contractor receives bids in that country, and there is a great deal of competition for the contracts. The people have corn and beef in abundance, and want the cash for it. And I think the bids would have been on more favorable terms than in other places.

The committee adjourned, to meet again to-morrow, at 9 o'clock A. M.

THURSDAY, June 28, 1832.

The committee met at 9 o'clock A. M. Present: Mr. Stanbery, Mr. Bates.

*John Shackford called as a witness, and sworn.*

Question 1, by the chairman. Did you put in a bid for supplying emigrating Indians with rations, under the proposals issued by the War Department in 1830?

Answer. I did, under the proposals, dated February 18, 1830, signed Tho. L. McKenney, the first at seventeen cents, and a conditional one, I think, at fifteen cents per ration.

Question 2. What was the price of beef in 1830 and 1831, in the State of Missouri?

Answer. I cannot tell; my memory does not serve me: I should suppose from one and a half to two and a half cents per pound. I never dealt in the article myself.

Question 3. Could you not have furnished the rations for a less sum than your bids?

Answer. In the first place I did not know at what particular point I was to deliver the provisions; although it was somewhere in the Arkansas, it was not mentioned in the advertisement where. My calculation was, taking into consideration all the risk and expenses attending it, that the price would not exceed ten cents per ration, and it might have been considerably less.

Question 4. Why did you not offer to take the contract at a less sum per ration than that mentioned in your bid?

Answer. There were several reasons, which I will give. One was, that my funds were mainly invested in the Portland and Louisville canal. I was also extensively engaged in the mercantile business at St. Louis, and was unwilling to engage in any new enterprise without a great certainty of a

great reward. And the uncertainty of the contract, the terms of the proposals, were such, that, after having made great preparations and expended thousands, the contract might have been withdrawn.

There was another considerable objection: the delivery of the rations might have been required where there was a water communication, and it might have been required that the delivery would be at some place hundreds of miles distant in the interior of the country, which would have added considerably to the expense. I was wholly unacquainted with the Arkansas country, never having visited it, which was another reason operating upon my mind against making a less bid. All the houses for the preservation of the provisions were to be built by the contractor, and, if the contract should have been withdrawn or discontinued, it would have subjected me to a heavy expense and loss.

Question 5. Did you believe, that, notwithstanding all the uncertainties and risks you have mentioned, that the rations could have been furnished at ten cents?

Answer. It was my calculation that it would not exceed that sum. I speak from recollection only, having no papers or minutes by me to refresh my mind upon the subject.

Committee adjourned to meet to-morrow, at 9 o'clock A. M.

FRIDAY, June 29, 1832.

The committee met this day, at 9 o'clock A. M. Present: Mr. Stanbery, Mr. Bates, Mr Muhlenberg, Mr. Wayne.

*John Peters appeared as a witness, and was sworn.*

Question by Mr. Wayne. Do you hold an office under the Government?

Answer. I do.

Question 2. What office do you hold?

Answer. I am a clerk in the Second Auditor's office for settling Indian accounts.

Question by General Houston. Are the papers which you now exhibit the same which you were required to bring under the subpoena?

Answer. They are. (The witness then produced certain papers marked 5, 6, and 7, copies of which will be found at the close of his testimony.)

Question by General Houston. Do these papers, upon the face of them, or from any connexion with others falling under your official observation, enable you to show a fraud upon the part of Luther Blake?

Answer. As to fraud, I can make no answer. In the settlement of the account presented by Colonel Crowell, there was an item of two hundred and seventy five dollars paid by him to Barent Dubois on an order of Luther Blake, dated western Creek agency, September 13, 1829, on account of corn furnished the Creek emigrants, on a contract for which Luther Blake said he held a receipt. I suspended his voucher in the settlement of his account, and required the receipt to be produced. Colonel Crowell told me that he thought he had the receipt among his papers, and if he found it he would hand it to me. Several days after, he told me he would ask Blake if he had not got it; and, soon after, he produced the receipt from Luther Blake, which was filed with the account of Dubois. On continuing the examination of the account of Colonel Crowell, I re-examined again the account of Dubois, in order to ascertain if the receipt which Colonel Crowell had handed me was correct, when I found that it was dated

Creek agency, Arkansas, September 13, 1832, and, of course, I could not admit it.

Question by General Houston. Are you not satisfied that that receipt was made here, to meet the contingency, for the benefit of Colonel Crowell in the settlement of that item in his account?

Answer. It being dated September 13, 1832, would lead to that inference. There was another thing which induced me to form that conclusion: the sand was still upon the ink when the receipt was handed to me.

Question by General Houston. Colonel Crowell was examined before the committee on the 27th instant, in support of Mr. Luther Blake's character. Had he filed the receipt in your office before that time?

Answer. It has been filed some twelve or fifteen days.

Here follow copies of the papers alluded to, marked 5, 6, and 7.

(5.)

"The United States, to Barent Dubois, for two hundred and forty-four and a half bushels of corn, furnished under the contract for the Creeks, in the western agency, at one dollar and twelve and a half cents, is \$275.

Received of John Crowell, Indian agent, two hundred and seventy-five dollars, in full of the above account.

BARENT DUBOIS.

CREEK AGENCY, *October 20, 1829.*"

(6.)

"Colonel John Crowell, agent for Indian affairs, will please to pay Barent Dubois two hundred and seventy-five dollars for corn furnished in the present contract, for which I hold a receipt.

LUTHER BLAKE,  
*Act. Creek Agent.*

WESTERN CREEK AGENCY, *13th Sept., 1829.*"

(7.)

"Received of Barent Dubois two hundred and forty-four and a half bushels of corn furnished public contract to subsist Creek Indians, at one dollar twelve cents per bushel, amounting to two hundred and seventy-five dollars.

LUTHER BLAKE,  
*Act. Agent Ind. Aff.*

CREEK AGENCY, ARK., *13th September, 1832.*"

The committee adjourned to meet again on Monday, July 2, 1832.

MONDAY, July 2, 1832.

The Committee met. Present: Mr. Stanbery, Mr. Drayton, Mr. Wayne, Mr. Muhlenberg, Mr. Hubbard, Mr. Kerr.

*Mr. O. S. Hall called as a witness, and sworn.*

Question by the chairman. Were the rations on which you founded your certificate furnished in pursuance of the contract entered into between E. W. Duval and Marston Ford, dated August 30, 1827? and was said contract made in consequence of an advertisement, or was it a private contract, made without previous notice?



Answer. They were, and my certificate was made from a reference to the contract alluded to in the preceding interrogatory. I do not know whether the contract was made in pursuance to an advertisement or not.

The witness then handed the committee the original contract between Mr. Duval and Mr. Ford, which is as follows:

“ CHEROKEE AGENCY,

*August 30, 1830.*

“ The following agreement is this day entered into between E. W. Duval, U. S. agent among the Cherokees on the Arkansas river, and Marston Ford, of Crawford county, A. T. Marston Ford agrees, and obliges himself, to furnish to said E. W. Duval, on order, all the rations of provisions which may be required by him for the Cherokee Indians during the council to be convened on the 25th day of next month for the payment of annuities due them from the United States. Each ration to consist of eighteen ounces of good merchantable wheat flour, and two pounds of good beef, with sufficient salt for the same; and for and in consideration of which, the said Duval agrees to pay him, the said Marston Ford, for each ration of flour and salt ten cents, and for each ration of beef ten cents; making for every entire ration that may be issued and required by order of said Duval to the Cherokee Indians, at and during the council aforesaid, twenty cents. The rations to be delivered at, and issued by said Ford at the council ground.

Witness their hands and seals.

E. W. DUVAL, [SEAL.]  
MARSTON FORD, [SEAL.]

Witness: E. W. DUVAL.

Mr. Blake, after reading the testimony of John Peters, made the following explanation:

In answer to Mr. John Peters's deposition, it is my duty to explain one thing; that is, the certificate or corn receipt given in favor of Barent Dubois. I will do it by relating the whole facts relative to it. Mr. Dubois was an able assistant in the removal of the Creek emigrants in the year 1829.

When we arrived at the western Creek agency he bought of an Indian a negro boy, (slave,) for which he gave two hundred and fifty dollars in cash. He, in a few days after, sold the same negro to an Indian man for two hundred and seventy-five dollars in corn: it was in September, 1829. The corn was received by me, but I did not receipt to him for it before he returned to Alabama. We thought that those papers would be cashed at the place where they were issued; therefore left the claim with me. I gave a certificate or order on Colonel Crowell that there was due to B. Dubois, for corn furnished public contract to subsist Creek emigrants, two hundred and seventy-five dollars, for which I held a receipt, but I had not issued any receipt for the corn.

On my certificate or order the agent paid two hundred and seventy-five dollars to Mr. Dubois, which the agent rendered in account. Mr. Peters thought he ought to have a receipt like the balance which was issued for corn.

When I was informed of this, I gave the agent a receipt in this city, and within three months. I did it because there had been no receipt given by me to any person, more than the order to the agent.

LUTHER BLAKE

WASHINGTON CITY, *July 2, 1832.*

Committee adjourned to meet to-morrow, at 9 o'clock A. M.